

1 WHEREAS, on January 27, 2006, Friou P. Jones ("Jones") filed an action, *Jones v. Conseco*
2 *Insurance Company*, C-06-00537 (the "Jones Action"), against Conseco Insurance Company;

3 WHEREAS, the Jones Action related to Mr. Jones' purchase of a flexible premium deferred
4 annuity in 2003, underwritten and issued by Conseco;

5 WHEREAS, in 2003, at the time of the purchase, Mr. Jones was 81 years old;

6 WHEREAS, Mr. Jones and Robert H. Hansen jointly filed a motion to relate and consolidate
7 the Jones Action with *Hansen v. Conseco Insurance Company*, C-05-04726;

8 WHEREAS, on April 14, 2006, the Court granted the motion to consolidate and relate the
9 cases under the caption *In re: Conseco Insurance Co. Annuity Marketing & Sales Practices Litig.*, C-
10 05-04726;

11 WHEREAS, prior to the filing of the First Amended Complaint, Mr. Jones remained an active
12 participant in the litigation, including responding to document requests propounded by defendants;

13 WHEREAS, although a class member, the First Amended Complaint did not identify Mr.
14 Jones as a class representative;

15 WHEREAS, Mr. Jones now seeks appointment as a class representative in this action pursuant
16 to Rule 23(a)(3) and (4);

17 WHEREAS, solely for the purposes of this stipulation and the related stipulation of settlement,
18 the parties agree that Mr. Jones' claims are typical of the claims of the proposed class; and

19 WHEREAS, solely for the purposes of this stipulation, and the related stipulation of settlement,
20 the parties agree that Mr. Jones will fairly and adequately protect the interests of the proposed class.

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1 NOW THEREFORE, it is hereby stipulated and agreed, by and among plaintiff and all
2 defendants through their undersigned counsel, subject to the approval of the Court that:

- 3 1. Friou Jones is an adequate representative of the proposed class pursuant to Rule
4 23(a)(3);
- 5 2. Friou Jones' claims are typical of the claims of the proposed class pursuant to Rule
6 23(a)(4); and
- 7 3. Friou Jones should be appointed as a class representative pursuant to Rule 23.
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9 DATED: March 23, 2011

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18 DATED: March 23, 2011

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1 DATED: March 23, 2011

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14 Counsel for Defendants

15 **ORDER**

16 The Court, having considered the above stipulation and good cause appearing, hereby ORDERS that,
17 pursuant to Rule 23, Friou P. Jones is appointed as a class representative in the above-captioned action.

18 DATED: _ 3/30/11 _

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21 RONALD M. WHYTE
22 UNITED STATES DISTRICT COURT JUDGE