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17	Interim Co-Lead Counsel for Plaintiff [Additional counsel appear on signature page.]			
18	UNITED STATES DISTRICT COURT			
19	NORTHERN DISTRICT OF CALIFORNIA			
20	SAN JOSE DIVISION			
21	In re CONSECO INSURANCE CO.) Case No.: C-05-04726-RMW		
22	ANNUITY MARKETING & SALES			
23	PRACTICES LITIG.	CLASS ACTION		
24) STIPULATION AND [] ORDER		
25	This Case Relates To:	ADDING PLAINTIFF FRIOU P. JONES AS A NAMED PLAINTIFF AND CLASS		
26	ALL ACTIONS) REPRESENTATIVE		
27	ALL ACTIONS.			
28)		
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	STIPULATION TO ADD FRIOU P. JONES AS A NAMED PLAINTIFF AND CLASS REPRESENTATIVE			
		Dockets		

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

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

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

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

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

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

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

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

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

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

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STIPULATION TO ADD FRIOU P. JONES AS A NAMED PLAINTIFF AND CLASS REPRESENTATIVE

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.			
8 9					
9	DATED: Ma	rch 23, 2011	ROBBINS GELLER RUDMAN & DOWD LLP		
10			JOHN J. STOIA, JR. THEODORE J. PINTAR		
11			PHONG L. TRAN RACHEL L. JENSEN		
12			STEVEN M. JODLOWSKI		
13			/s/ Theodore J. Pintar		
15			THEODORE J. PINTAR		
16			655 West Broadway, Suite 1900 San Diego, CA 92101		
10			Telephone: (619) 231-1058 Facsimile: (619) 231-7423		
18	DATED: March 23, 2011		BARRACK, RODOS & BACINE		
19			STEPHEN R. BASSER SAMUEL M. WARD		
20			/s/ Stephen R. Basser		
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25			Interim Co-Lead Counsel for Plaintiff		
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	STIPULATION TO ADD FRIOU P. JONES AS A NAMED PLAINTIFF AND CLASS REPRESENTATIVE				

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2		RASIK		
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4	4 /s/James J. Drie JAMES J. DRI			
5	5 One Prudential			
6)601		
7	7 Facsimile: (3)	2) 861-2899		
8	8 Counsel for De	fendants		
9				
10	10	<u>ORDER</u>		
11		The Court, having considered the above stipulation and good cause appearing, hereby ORDERS that,		
12	12 pursuant to Rule 23, Friou P. Jones is appointed as a class represer	pursuant to Rule 23, Friou P. Jones is appointed as a class representative in the above-captioned action		
13				
14	14 DATED: _3/30/11	ld M. Whyte		
15	RONALD M.	WHYTE		
16	16 UNITED STA	ATES DISTRICT COURT JUDGE		
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	STIPULATION TO ADD FRIOU P. JONES AS A NAMED PLAINTIFF	AND CLASS REPRESENTATIVE		
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