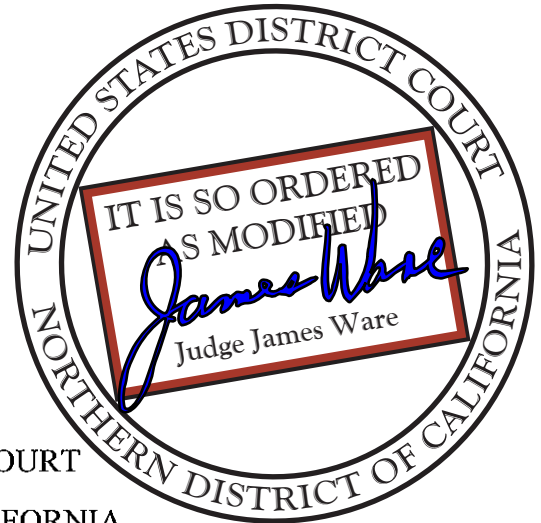


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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 (San Jose Division)



11 **SARAH PEREZ;**
MICHELLE LACKNEY;
12 **RACHEL STEWART;**
RACHEL HARDYCK

13 on behalf of themselves
14 and all others similarly situated;

15 Plaintiffs,
16 v.

17 **STATE FARM MUTUAL AUTOMOBILE**
an Illinois corporation;

18 **ALLSTATE INDEMNITY CO.,** an Illinois
corporation;

19 **GEICO GENERAL INSURANCE,** a Maryland
20 corporation;

21 **CERTIFIED AUTOMOTIVE PARTS ASS'N**
doing business in Washington, D.C.;

22 **LIBERTY MUTUAL FIRE INS. CO.,** a
23 Massachusetts corporation; and

24 **UN-NAMED INSURANCE CONSPIRATORS**

25 Defendants.
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CASE NO. CO6-1962 PVT

**STIPULATION AND PROPOSED
ORDER RELATING TO
SCHEDULING OF MOTIONS
TO DISMISS**

1 In light of the United States Court of Appeals for the Ninth Circuit’s reversal and remand of
2 this Court’s dismissal with prejudice of this action, the parties stipulate to and jointly submit a
3 proposed briefing and hearing schedule for three additional motions to dismiss to be filed by
4 Defendants, prior to the submission of a Joint Case Management Statement, and ask that the Court
5 enter the proposed Order attached hereto.

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**STIPULATION RELATING TO SCHEDULING OF DEFENDANTS’
CONTEMPLATED MOTIONS TO DISMISS**

THE PARTIES, THROUGH THEIR COUNSEL, HEREBY STIPULATE AS FOLLOWS:

Defendants will re-submit briefing on whether the action is barred because the California Insurance Code provides the exclusive mechanism for establishing and challenging insurance rates in the State of California.

Further, Defendants will contend that the Second Amended Complaint does not plead sufficient evidentiary facts under *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007).

Finally, the CAPA Defendant also seeks to be dismissed for lack of personal jurisdiction.

Plaintiffs intend to oppose the above motions. Plaintiffs have not pressed now for the submission of a Joint Case Management Statement with the understanding that (1) the Defendants do not oppose the expeditious briefing of the above motions as set forth below, and (2) the parties will submit a Joint Case Management Statement and Proposed Order at the end of the briefing of the Defendants’ dismissal motions.

1 **PROPOSED BRIEFING SCHEDULE**

2 **Defendants File Dismissal Motions On or Before:** May 15, 2009

3 **Plaintiffs File Responses On or Before:** June 5, 2009

4 **Defendants File Replies On or Before:** **June 12, 2009**

5 **Parties Submit Joint Case Management Statement**
6 **On or Before:** June 19, 2009

7 The hearing on Defendants' anticipated Motions to Dismiss is set for **June 29, 2009 at 9 a.m.**

8 The Court will conduct a Case Management Conference at 10 a.m. following the hearing on the
9 Motions.

1 Dated: April 28, 2009

2 **By** //S//
3 **On Behalf of All Plaintiffs**

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