

1 ADRIENNE C. PUBLICOVER (State Bar No. 161432)  
 2 SHILPA G. DOSHI (State Bar No. 253024)  
 3 **WILSON, ELSER, MOSKOWITZ,**  
 4 **EDELMAN & DICKER LLP**  
 5 525 Market Street, 17th Floor,  
 San Francisco, CA 94105-2725  
 Telephone: 415.433.0990  
 Facsimile: 415.434.1370

6 Attorneys for Defendants  
 7 LIFE INSURANCE COMPANY OF  
 8 NORTH AMERICA; GMAC MORTGAGE  
 GROUP LONG TERM DISABILITY  
 INCOME PLAN

9 CHARLES B. PERKINS (State Bar No. 126942)  
 10 **FLYNN, ROSE & PERKINS**  
 11 59 North Santa Cruz Avenue, Suite Q  
 Los Gatos, CA 95030  
 Telephone: 408-399-4566

12 Attorney for Plaintiff  
 13 KAREN SILVA

14 **UNITED STATES DISTRICT COURT**  
 15 **NORTHERN DISTRICT OF CALIFORNIA**

15	KAREN SILVA,	)	Case No. C09-00424 JW
16		)	
17	Plaintiff,	)	<b>STIPULATION TO WAIVE SERVICE</b>
18		)	<b>AND ADOPT ANSWER</b>
19	vs.	)	
20		)	Action Filed: January 29, 2009
21	LIFE INSURANCE COMPANY OF NORTH	)	
22	AMERICA, GMAC MORTGAGE GROUP LONG	)	
23	TERM DISABILITY INCOME PLAN,	)	
24		)	
25	Defendants.	)	

26 **IT IS HEREBY STIPULATED**, by and between plaintiff Karen Silva (“Plaintiff”) and  
 27 defendants Life Insurance Company of North America (“LINA”) and GMAC MORTGAGE  
 28 GROUP LONG TERM DISABILITY INCOME PLAN (“Plan”) (collectively “Defendants”),  
 through their attorneys of record, as follows:

1. On or about January 29, 2009, Plaintiff filed a complaint against Defendants.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

2. LINA was served with the complaint on or about March 1, 2010.

3. On or about March 31, 2010, LINA filed its answer to Plaintiff's complaint.

4. The Plan has not yet been served and has not filed a response to the complaint.

5. Based on the scope and nature of the allegations in the complaint, the Plan asserts that its answer would be essentially the same as LINA's answer. The Plan agrees to waive service of the complaint.

6. The parties believe that it is not necessary for the Plan to file a separate answer to the complaint and therefore stipulate that the answer filed by LINA shall also constitute the answer by the Plan.

Dated: May 4, 2010

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By: /s/ Shilpa G. Doshi

ADRIENNE C. PUBLICOVER  
SHILPA G. DOSHI  
Attorneys for Defendants  
LIFE INSURANCE COMPANY OF  
NORTH AMERICA; GMAC MORTGAGE  
GROUP LONG TERM DISABILITY  
INCOME PLAN

Dated: May 4, 2010

FLYNN, ROSE & PERKINS

By: /s/ Charles B. Perkins

CHARLES B. PERKINS  
Attorneys for Plaintiff  
KAREN SILVA

**ORDER**

Pursuant to the parties' foregoing stipulation, the Court hereby orders that (1) Plaintiff need not serve the Plan with the complaint, (2) the answer filed by LINA shall also constitute the answer by the Plan, and (3) the Plan shall not file a separate answer to the complaint.

**IT IS SO ORDERED.**

Dated: May 10, 2010

  
\_\_\_\_\_  
HON. JAMES WARE  
U.S. DISTRICT COURT JUDGE

**CERTIFICATE OF SERVICE**

*Karen Silva v. Life Insurance Company of North American, et al.*  
*United States District Court, Northern District Case No.: C09-00424 JW*

I am a citizen of the United States. I am over the age of eighteen years and am not a party to the within cause. I am employed in the City and County of San Francisco, California and my business address is 525 California Street, 17<sup>th</sup> Floor, San Francisco, California 94105. On this date I served the following document(s):

**STIPULATION TO WAIVE SERVICE AND ADOPT ANSWER**

on the parties identified below, through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below by the following means of service:

: **By First Class Mail** -- I caused each such envelope, with first class postage thereon fully prepaid, to be deposited in a recognized place of deposit of the U.S. Mail in San Francisco, California, for collection to the office of the addressee following ordinary business practices.

: **By Personal Service** – I caused each such envelope to be given to a courier messenger who personally delivered each such envelope to the office of the address.

: **By Overnight Courier** – I caused each such envelope to be given to an overnight mail service at San Francisco, California, to be hand delivered to the office of the addressee on the next business day.

: **Facsimile** – (Only where permitted. Must consult CCP § 1012.5 and California Rules of Court 2001-2011. Also consult FRCP Rule 5(e). Not currently authorized in ND.CA.)

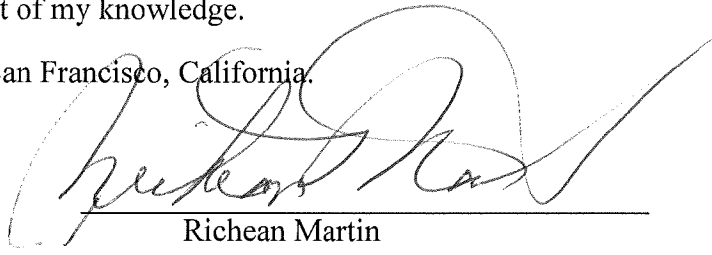
: **Electronic E-Filing** – I caused the attached document to be electronically transmitted on the Northern District website to the parties named below.

: **E-Mail** – I caused each document to be emailed.

Charles B. Perkins  
FLYNN, ROSE & PERKINS  
59 North Santa Cruz Avenue, Suite Q  
Los Gatos, CA 95030  
T: 408-399-4566  
*Attorney for Plaintiff*  
*Karen Silva*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

EXECUTED **May 4, 2010** at San Francisco, California.



Richean Martin