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 10 and BANK OF AMERICA CORPORATION

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18 Attorneys for Plaintiff
 19 JOHN EMERSON

20 UNITED STATES DISTRICT COURT
 21 NORTHERN DISTRICT OF CALIFORNIA

22 JOHN EMERSON,
 23 Plaintiff,
 24 vs.

25 AETNA INC., a California corporation,
 26 AETNA HEALTH OF CALIFORNIA,
 27 INC., a California corporation, BANK OF
 28 AMERICA CORPORATION dba BANK
 OF AMERICA CORPORATION, a
 Delaware corporation, dba BANK OF
 AMERICA, BANK OF AMERICA
 PERSONNEL SERVICE CENTER, and
 DOES 1-20, inclusive.

Defendants.

Case No. CV 10-04919 JF

**~~PROPOSED~~ ORDER GRANTING
 PLAINTIFF LEAVE TO FILE A SECOND
 AMENDED COMPLAINT AND
 WITHDRAWAL OF DEFENDANTS'
 MOTION TO DISMISS FIRST AMENDED
 COMPLAINT AND CONTINUING THE
 CASE MANAGEMENT CONFERENCE**

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PURSUANT TO STIPULATION, IT IS ORDERED that:

- 1. Plaintiff John Emerson (“Plaintiff”) shall file a Second Amended Complaint on or before Friday, March 11, 2010;
- 2. Defendants shall file their responsive pleading by Friday, April 15, 2011;
- 3. Defendants Aetna, Inc., Aetna Health of California, Inc. and Bank of America Corporation's Motion to Dismiss the First Amended Complaint is hereby withdrawn, and the April 22, 2011 hearing date is vacated;
- 4. The Case Management Conference currently scheduled for March 4, 2011 at 10:30 a.m. is hereby continued to April 29, 2011 at 10:30 a.m.

Dated: March 3, 2011

By:  _____
 HON. JEREMY FOGEL
 UNITED STATES DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I certify that a copy of this document was served electronically on March 3, 2011 on counsel of record in compliance with Federal Rule 5, Local Rule 5.6 and General Order 45, by use of the Court’s ECF system.

/s/ Rebecca K. Kimura
 REBECCA K. KIMURA