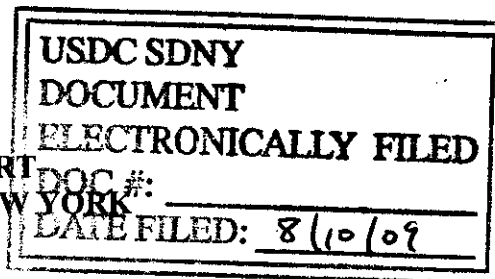


UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK



AVRAHAM GOLD, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

NEW YORK LIFE INSURANCE CO., NEW
YORK LIFE INSURANCE AND ANNUITY
CORP., NY LIFE INSURANCE CO. OF
ARIZONA, JOHN DOES 1-50 (said names
being fictitious individuals), and ABC
CORPORATIONS 1-50 (said names being
fictitious companies, partnerships, joint
ventures and/or corporations).

Defendants.

Civil Action No. 09 cv 3210 (WHP)

~~PROPOSED~~
AMENDED SCHEDULING ORDER

Electronically Filed

WILLIAM H. PAULEY III, District Judge:

Counsel for all parties having appeared before the Court for an initial conference on July 23, 2009, the following schedule is established on consent and supersedes the Order entered by the Court on July 28, 2009:

1. Plaintiff was directed to serve and file his Amended Complaint by July 28, 2009, which filing has been made.
2. The parties shall engage in an initial phase of discovery relevant to Plaintiff's individual claims. Said discovery shall not address issues relevant only to certification of a class action under Fed. R. Civ. P. 23. The following schedule shall be in place unless otherwise amended by the Court following the status conference scheduled for September 22, 2009:
 - a. The parties shall exchange their Rule 26 disclosures by August 16, 2009;

- b. The parties may serve all written discovery requests relating to the initial phase of fact discovery. The parties shall have sixty (60) days to respond to written discovery requests served before the status conference scheduled for September 22, 2009.
- c. The parties shall submit a joint letter by September 18, 2009 setting forth their respective positions as to the appropriate contours of discovery, including proposed limitations concerning the number and length of depositions and the subject matter of discovery.
- d. The initial phase of fact discovery shall be completed by January 15, 2010.

3. The parties shall negotiate and submit a Stipulation governing the use of discovery materials from the Chenensky v. New York Life action in this litigation.

4. A status conference will be held on September 22, 2009 at 3:30 p.m. at which the Court will address the scope of discovery going forward in this matter. No depositions shall take place prior to that conference.

Dated: August 7, 2009
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.