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*Attorney for Plaintiff*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

JAMES N. HILL,

Plaintiff,

v.

LIBERTY LIFE ASSURANCE  
COMPANY OF BOSTON

Defendant.

No. 3:12-cv-02309-HU

**STIPULATED ORDER**

WHEREAS Plaintiff has filed a motion to remand, and Defendant has filed a motion to dismiss, both motions raising the question whether plaintiff's claim must be repleaded as an ERISA claim; and

WHEREAS Plaintiff has determined not to contest that question;

IT IS HEREBY ORDERED THAT:

1. Plaintiff shall have thirty days from the filing of this Order to file an amended complaint; and
2. The pending motions are denied as moot.

Dated: February <sup>11</sup>\_\_\_\_, 2013.

SO ORDERED:

/s/ Dennis J. Hubel

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Hon. Dennis J. Hubel

STIPULATED AND AGREED:

MURPHY & BUCHAL LLP

s/ James L. Buchal

James L. Buchal, OSB #921618

Attorney for Plaintiff

BULLIVANT HOUSER BAILEY PC

s/ Katherine S. Somervell

Katherine S. Somervell, OSB #955385

Attorney for Defendant

### **CERTIFICATE OF SERVICE**

I certify that the foregoing PLAINTIFF'S REPLY IN SUPPORT OF MOTION TO REMAND will be electronically filed with the Court's electronic court filing system, which will generate automatic service upon all Parties enrolled to receive such notice.

DATED: February 8, 2013.

*s/ Carole A. Caldwell*