

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF CALIFORNIA

3  
4 DAVID HALL,

5 Plaintiff

6 v.

7 BLUE CROSS BLUE SHIELD OF  
8 ILLINOIS,

9 Defendants

CASE NO. 1:16-CV-1909 AWI SKO

ORDER VACATING HEARING AND  
ORDER ON STIPULATION SETTING  
STANDARD FOR REVIEW

(Doc. Nos. 38, 42)

10  
11 On June 5, 2017, Plaintiff filed a motion to determine the standard of review in this ERISA  
12 case. See Doc. No. 38. Hearing on this motion is set for July 17, 2017, at 1:30 p.m. in Courtroom  
13 No. 2. See Doc. No. 41.

14 On June 30, 2017, the parties filed a stipulation. See Doc. No. 42. The stipulation in part  
15 provides that: (1) the July 17, 2017 hearing be vacated; (2) the parties agree that, for purposes of  
16 this case only, the standard of review is *de novo*; and (3) Plaintiff withdraws his motion to  
17 determine the applicable standard of review. See id. After consideration, the Court will give  
18 effect to the parties' stipulation.

19 Accordingly, IT IS HEREBY ORDERED that, pursuant to the parties' stipulation (Doc.  
20 No. 42):

- 21 1. The July 17, 2017 hearing date is VACATED;
- 22 2. Plaintiff's motion to determine the applicable standard of review case is DENIED as  
23 withdrawn; and
- 24 3. The applicable standard of review in this ERISA case will be the *DE NOVO* standard.

25 IT IS SO ORDERED.

26 Dated: July 5, 2017

27   
28 SENIOR DISTRICT JUDGE