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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

10

11 SHERRIE BEALS,

Case No. 2:08-cv-02116-WBW-KJM

12 Plaintiff,

13 v.

14 METROPOLITAN LIFE INSURANCE
15 COMPANY, MERRILL LYNCH, AND
DOES 1 TO 100,

16 Defendants.

**STIPULATION AND PROPOSED ORDER
TO EXTEND HEARING AND FILING
DATES**

17

18 Plaintiff Sherrie Beals and Defendants Merrill Lynch and Metropolitan Life Insurance
19 Company ("MetLife") by and through their respective attorneys of record, hereby stipulate and
20 agree that:

21 1. The parties are actively engaged in settlement negotiations. Plaintiff's counsel has had
22 repeated discussions with defense counsel for Merrill Lynch as to resolution of this claim
23 for long term disability benefits under the self-funded Merrill Lynch Basic Long Term
24 Disability Plan. Merrill Lynch's ability to obtain final settlement authority has been
25 complicated by its reorganization in connection with the acquisition by Bank of
26 America, and Merrill Lynch requires additional time to complete the settlement process.
27 The parties would further request the opportunity to direct their resources at this time to
28

**STIPULATION TO EXTEND HEARING
AND FILING DATES**

1 settlement rather than to the dispositive motion pleadings which are currently due on
2 September 11, 2009.

3 2. The parties are reasonably confident this matter will resolve, but not prior to the briefing
4 necessary for the September 11, 2009 motion date. The parties hereby request a
5 continuance.

6 3. The parties are available for hearing dates in November, 2009.

7 4. The existing briefing schedule set by the court is requested to be vacated and reset in
8 accordance with the new hearing.

9

10 DATED: September 4, 2009

11 SEDGWICK, DETERT, MORAN & ARNOLD
12 LLP

13 */s/ Cari Cohorn*

14 CARI COHORN
15 Attorneys for Defendant
16 Metropolitan Life Insurance Company

17 DATED: September 4, 2009

18 MAYNARD, COOPER & GALE, P.C.

19 */s/ William B Wahlheim, Jr.*

20 WILLIAM B. WAHLHEIM, JR.
21 Attorneys for Defendant
22 Merrill Lynch & Co., Inc.

23 DATED: September 4, 2009

24 DAVID ALLEN & ASSOCIATES
25 DAVID ALLEN

26 */s/ David Allen*

27 DAVID ALLEN
28 Attorneys for Plaintiff
Sherrie Beals

ORDER

The parties stipulate and good cause shows judicial economy would be served by vacating the hearing date and briefing schedule set by the court. The hearing date and briefing schedule is reset in accordance with the Local Rules of this court and with the new hearing date of **November 9, 2009 at 2:00 p.m.** The Pretrial Conference date of 12/14/2009 and the Court Trial date of 2/17/2010 shall remain unchanged.

IT IS SO ORDERED.

Dated: September 4, 2009

William B. Shubb
WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE