

MAYNARD, COOPER & GALE, P.C.  
PETER S. FRUIN California Bar No. 151838  
WILLIAM B. WAHLHEIM, JR. (*pro hac vice*)  
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Attorneys for Defendant  
MERRILL LYNCH & CO., INC.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SHERRIE BEALS,

Plaintiff,

v.

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

Defendants.

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

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

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

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

**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

SEDGWICK, DETERT, MORAN & ARNOLD  
LLP

11  
12 */s/ Cari Cohorn*

13 CARI COHORN  
14 Attorneys for Defendant  
Metropolitan Life Insurance Company

15  
16 DATED: September 4, 2009

MAYNARD, COOPER & GALE, P.C.

17  
18 */s/ William B Wahlheim, Jr.*

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

21 DATED: September 4, 2009

DAVID ALLEN & ASSOCIATES  
DAVID ALLEN

22  
23 */s/ David Allen*

24 DAVID ALLEN  
25 Attorneys for Plaintiff  
26 Sherrie Beals  
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