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13 NARCISIO CUARESMA, JR.

14 UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA
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18 NARCISIO CUARESMA, JR.,

19 Plaintiff,

20 v.

21 FARMERS GROUP DISABILITY INCOME
PLAN, an ERISA Plan, and LIBERTY LIFE
22 ASSURANCE COMPANY OF BOSTON,

23 Defendants.

Case No. 2:15-CV-K02192-JAM-EFB

STIPULATION AND [PROPOSED] ORDER VACATING BRIEFING SCHEDULE AND TRIAL DATE AND SCHEDULING CASE MANAGEMENT CONFERENCE FOR SEPTEMBER 6, 2016 CONCURRENT WITH HEARING ON DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

24
25 WHEREAS, Defendants Farmers Group Disability Income Plan ("the Plan") and Liberty
26 Life Assurance Company of Boston ("Liberty Life") (collectively, "Defendants") Motion for
27 Summary Judgment on their Sixth Affirmative Defense for Failure to Exhaust Administrative
28 Remedies has been fully briefed and is set for hearing by this Court on September 6, 2016.

1 WHEREAS, pursuant to the December 21, 2015 Minute Order, docket document 10,
2 Plaintiff Narcisio Cuaresma, Jr.'s ("Plaintiff") cross motion for summary judgment in this ERISA
3 matter is due to be filed on or before September 2, 2016, two business days before the September
4 6, 2016 hearing on Defendants' Motion for Summary Judgment on their Sixth Affirmative
5 Defense for Failure to Exhaust Administrative Remedies;

6 WHEREAS, the Parties agree that the arguments on the Parties' dispositive motions on
7 the merits of this ERISA case may be affected by the Court's ruling on Defendant's Motion for
8 Summary Judgment on their Sixth Affirmative Defense for Failure to Exhaust Administrative
9 Remedies;

10 WHEREAS, the Parties believe it prudent and in the interests of efficiency and judicial
11 economy to vacate the current briefing schedule on the cross motions for summary judgment on
12 the merits of this ERISA case and the November 1, 2016 trial date as set forth in the Court's
13 December 21, 2015 Minute Order, docket document 10, with the Court instead scheduling a case
14 management conference to be held concurrently and contemporaneous with the September 6,
15 2016 hearing on Defendants' Motion for Summary Judgment on their Sixth Affirmative Defense
16 for Failure to Exhaust Administrative Remedies, at which time the Court may reset the briefing
17 schedule on the Parties' cross motions for summary judgment and the trial date, if necessary,
18 following the Court's ruling on Defendants' Motion for Summary Judgment on their Sixth
19 Affirmative Defense for Failure to Exhaust Administrative Remedies;

20 **IT IS HEREBY STIPULATED** by and between Plaintiff and Defendants, by and
21 through their respective attorneys of record, that the briefing schedule and trial date set forth in
22 the Court's December 21, 2015 Minute Order, docket document 10, is hereby **VACATED** and a
23 case management conference is scheduled to be held concurrent and contemporaneous with the
24 September 6, 2016 hearing on Defendants' Motion for Summary Judgment on their Sixth
25 Affirmative Defense for Failure to Exhaust Administrative Remedies.

26 All signatories to this Stipulation, and on whose behalf the filing is submitted, concur in
27 the Stipulation's content and have authorized its filing.
28

Ropers Majeski Kohn & Bentley
A Professional Corporation
Redwood City

1 Dated: September 1, 2016

LAW OFFICES OF LAURENCE F. PADWAY

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3 By: /s/ Laurence F. Padway
4 LAURENCE F. PADWAY
5 Attorneys for Plaintiff,
NARCISIO CUARESMA, JR.

6 Dated: September 1, 2016

ROPERS, MAJESKI, KOHN & BENTLEY

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8 By: /s/ Robert M. Forni, Jr.
9 PAMELA E. COGAN
10 ROBERT M. FORNI, JR.
11 BLAKE J. RUSSUM
12 Attorneys for Defendants,
FARMERS GROUP DISABILITY
13 INCOME PLAN, and LIBERTY LIFE
14 ASSURANCE COMPANY OF BOSTON

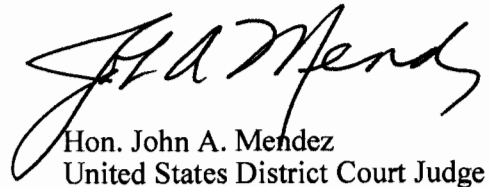
15 **ORDER**

16 **PURSUANT TO STIPULATION**, the briefing schedule on the Parties' cross motions
17 for summary judgment and the November 1, 2016 trial date in this ERISA matter, as originally
18 set forth in the Court's December 21, 2015 Minute Order, docket document 10, are hereby
19 **VACATED.**

20 **IT IS FURTHER ORDERED** that the Parties shall appear for a case management
21 conference on September 6, 2016 at 1:30 p.m. to be held concurrent and contemporaneous with
22 the hearing on Defendants' Motion for Summary Judgment on their Sixth Affirmative Defense
23 for Failure to Exhaust Administrative Remedies.

24 **IT IS SO ORDERED.**

25 Dated: September 2, 2016

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Hon. John A. Mendez
United States District Court Judge

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