

*Ropers Majeski Kohn & Bentley  
A Professional Corporation  
Redwood City*

1 PAMELA E. COGAN (SBN 105089)  
ROBERT M. FORNI, JR. (SBN 180841)  
2 ROPERS, MAJESKI, KOHN & BENTLEY  
1001 Marshall Street, Suite 500  
3 Redwood City, CA 94063-2052  
Telephone: (650) 364-8200  
4 Facsimile: (650) 780-1701  
Email: [pamela.cogan@rmkb.com](mailto:pamela.cogan@rmkb.com); [robert.forni@rmkb.com](mailto:robert.forni@rmkb.com)  
5  
6 Attorneys for Defendants, FARMERS GROUP DISABILITY INCOME  
PLAN, and LIBERTY LIFE ASSURANCE COMPANY OF BOSTON

7 LAURENCE F. PADWAY (SBN 89314)  
LAW OFFICES OF LAURENCE F. PADWAY  
8 1516 Oak Street, Suite 109  
9 Alameda, California 94501  
Telephone: (510)814-6100  
10 Facsimile : (510)814-0650

11 Attorneys for Plaintiff, NARCISO CUARESMA, JR.

12 UNITED STATES DISTRICT COURT  
13 EASTERN DISTRICT OF CALIFORNIA

15 NARCISO CUARESMA, JR.,  
16 Plaintiff,  
17 v.  
18 FARMERS GROUP DISABILITY INCOME  
19 PLAN, an ERISA Plan, and LIBERTY LIFE  
ASSURANCE COMPANY OF BOSTON,  
20 Defendants.  
21

Case No. 2:15-CV-2192-JAM-EFB

**STIPULATION AND ORDER SETTING  
ASIDE BILL OF COSTS AND ORDER  
TAXING COSTS**

22 **IT IS HEREBY STIPULATED** by and between Plaintiff Narciso Cuaresma and  
23 Defendants Farmers Group Disability Income Plan and Liberty Life Assurance Company of  
24 Boston, by and through their respective attorneys of record, that the cost bill filed by Defendants  
25 on October 20, 2016 (Docket No. 29) and the order taxing costs in amount of \$163.60 against  
26 Plaintiff that was filed by the clerk on November 1, 2016 (Docket No. 33) are hereby set aside,  
27 without prejudice to Defendants' right to recover the same costs taxed or additional costs as a  
28 prevailing party in connection with Plaintiff's appeal from the Judgment entered in this action on

1 October 20, 2016 (Ninth Circuit Case Number 16-16946). No party shall recover costs at this  
2 time. Plaintiff's Motion to Strike Defendants' Cost Bill (Docket No. 34) is therefore denied as  
3 moot, and the hearing thereon, currently set for February 7, 2017, is vacated.

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

6 Dated: January 20, 2017

LAW OFFICES OF LAURENCE F. PADWAY

7  
8 By: /s/ Laurence F. Padway

LAURENCE F. PADWAY  
Attorneys for Plaintiff,  
NARCISIO CUARESMA, JR.

9  
10 Dated: January 20, 2017

ROPERS, MAJESKI, KOHN & BENTLEY

11  
12 By: /s/ Robert M. Forni, Jr.

PAMELA E. COGAN  
ROBERT M. FORNI, JR.  
Attorneys for Defendants,  
FARMERS GROUP DISABILITY  
INCOME PLAN, and LIBERTY LIFE  
ASSURANCE COMPANY OF BOSTON

13  
14  
15  
16 **ORDER**

17 **PURSUANT TO THE PARTIES' STIPULATION**, the cost bill filed on October 20,  
18 2016 (Docket No. 29) and the order taxing costs in amount of \$163.60 against Plaintiff that was  
19 filed by the clerk on November 1, 2016 (Docket No. 33) are hereby set aside, without prejudice to  
20 Defendants' right to recover the same costs taxed or additional costs as a prevailing party in  
21 connection with Plaintiff's appeal from the Judgment entered in this action on October 19, 2016  
22 (Ninth Circuit Case Number 16-16946). No party shall recover costs at this time. Plaintiff's  
23 Motion to Strike Defendants' Cost Bill (Docket No. 34) is therefore denied as moot, and the  
24 hearing thereon, currently set for February 7, 2017, is vacated.

25 **IT IS SO ORDERED.**

26 Dated: 1/20/2017

/s/ John A. Mendez

Hon. John A. Mendez  
United States District Court Judge