1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

19839 Nordhoff Street Northridge, California 91324 (818) 886 2525

KANTOR & KANTOR LLF

AUG 10 2016

Glenn R. Kantor (SBN: 122643)
E-mail: gkantor@kantorlaw.net
Alan E. Kassan (SBN: 113864)
E-mail: akassan@kantorlaw.net
Brent Dorian Brehm (SBN: 248983)
E-mail: bbrehm@kantorlaw.net

KANTOR & KANTOR, LLP 19839 Nordhoff Street Northridge, CA 91324 Telephone: (818) 886-2525

Facsimile: (818) 350-6272

Attorneys for Plaintiff, DEDRA ESPINDOLA

## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

DEDRA ESPINDOLA,

Plaintiff,

VS.

STANDARD INSURANCE COMPANY and DST SYSTEMS, INC., LONG TERM DISABILITY PLAN,

Defendants.

CASE NO. 2:16-cv-01301-JAM-CKD

STIPULATION REGARDING STANDARD OF REVIEW

IT IS HEREBY STIPULATED by and between plaintiff Debra Espindola ("Plaintiff") and defendant Standard Insurance Company ("Standard"), by and through their respective counsel, as follows:

1. The parties agree that this case is governed by the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. Section 1001, et seq.

1

1

2

3

5

6

7

8

9

27

28

- 2. One of the issues to be litigated in an ERISA benefits claim is whether the standard of review is abuse of discretion or de novo.
- 3. The parties hereby stipulate and agree that the applicable standard of review to be utilized in this case should be de novo.
- The parties' agreement as to the standard of review relates solely to this particular case and does not give rise to any waiver or prejudice in any future cases brought against Standard.

IT IS HEREBY STIPULATED AND AGREED as follows by and between the parties hereto and through their respective attorneys of record:

The parties agree that this Court shall apply a de novo standard of review in this case. This Stipulation regarding the appropriate standard of review is specifically limited to the facts and circumstances of this particular case.

IT IS SO STIPULATED.

Dated: August 9, 2016 KANTOR & KNATOR, LLP

> By: /s/ Brent Dorian Brehm

Brent Dorian Brehm Attorneys for Plaintiff, Dedra Espindola

Dated: August 9, 2016 MESERVE, MUMPER & HUGHES,

> By: /s/ Linda M. Lawson

> > Linda M. Lawson Attorneys for Defendant Standard Insurance Company

Filer's Attestation: Pursuant to Local Rule 5-4.3.4(a)(2)(i) regarding signatures, Brent Dorian Brehm hereby attests that concurrence in the filing of this document and its content has been obtained by all signatories listed.

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 11 DEDRA ESPINDOLA, CASE NO. 2:16-cv-01301-JAM-CKD 12 Plaintiff, EDI ORDER RE 13 STANDARD OF REVIEW VS. 14 STANDARD INSURANCE COMPANY and DST SYSTEMS, INC., 15 LONG TERM DISABILITY PLAN, 16 Defendants. 17 18 Based upon the Parties' Stipulation regarding the Standard of Review and 19 finding good cause therefore, IT IS HEREBY ORDERED that the Court has 20 accepted the parties' stipulation and will employ the de novo standard of review in 21 this case. This Order regarding the appropriate standard of review is specifically 22 limited to the facts and circumstances of this particular case. 23 IT IS SO ORDERED. 24 Dated: 8 · 10 · 2016 25 Jøhn A. Mendez 26

27

28

United States District Judge