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Attorneys for Defendant
STANDARD INSURANCE COMPANY

**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 AND [PROPOSED]
ORDER] TO CONTINUE HEARING
ON CROSS-MOTIONS FOR
SUMMARY JUDGMENT IN ERISA
MATTER AND REQUEST FOR
CLARIFICATION RE PAGE LIMITS
ON ERISA CROSS-MOTIONS

Current Date: August 29, 2017
Proposed New Date: September 19, 2017

Judge: Hon. John A. Mendez

FILED

JUN 19 2017

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY ETN
DEPUTY CLERK

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

1 Plaintiff Dedra Espindola (“Plaintiff”) and Defendant Standard Insurance
2 Company (“Defendant” or “Standard”) (collectively, the “Parties”), currently the
3 only named defendant in the above-entitled action, by and through their respective
4 attorneys of record, hereby stipulate as follows:

5 WHEREAS, Plaintiff filed her motion for summary judgment in this ERISA
6 matter on June 9, 2017;

7 WHEREAS, Standard’s opposition and cross-motion will be filed on or
8 before June 30, 2017;

9 WHEREAS, Plaintiff’s reply and opposition will be filed on or before July
10 21, 2017;

11 WHEREAS, Standard’s reply will be filed on or before August 4, 2017;

12 WHEREAS, the hearing on the Parties’ cross-motions was previously set for
13 August 22, 2017 at 1:30 p.m. (*See* Order dated 05/02/17, ECF Doc. No. 20). The
14 Court has reset the hearing for August 29, 2017. (*See* Minute Order dated 06/12/17,
15 ECF Doc. No. 24);

16 WHEREAS, a conflict has now arisen with the new hearing date of August
17 29, 2017. Plaintiff’s counsel, Brent Dorian Brehm, indicated to counsel for Standard
18 that he has jury duty that week; has already moved his jury service once before and
19 will not able to move it again; and that since he will not know if he needs to report
20 until the night before the current hearing date, it is uncertain whether or not he will
21 be able to attend the hearing.

22 WHEREAS, Counsel for the Parties conferred regarding alternative dates
23 they are available;

24 NOW, THEREFORE, the Parties respectfully request this Court for a
25 continuance of the hearing on the Parties’ cross-motions in this ERISA matter, from
26 August 29, 2017 to September 19, 2017, with the other dates set by the Court for the
27 filing of the Parties’ respective briefs and Standard’s lodging of the administrative
28 record remaining unchanged.

1 ADDITIONALLY, the Parties, cognizant of the Court’s statement regarding
2 compliance with page limits in its Order Re Filing Requirements [Docket 5-2], met
3 and conferred regarding the page limits applicable to the cross-motions for summary
4 judgment Ordered by the Court herein. It is the Parties’ understanding that because
5 the Court ordered the Parties to file cross motions for summary judgment in this
6 ERISA matter (*see* Order dated 11/21/16, ECF Doc. No. 18), the page limits noted
7 in the Court’s earlier Order re Filing Requirements specific to cross-motions for
8 summary judgment apply to their respective memoranda of points and authorities
9 i.e.:

10 Plaintiff’s opening brief: 25 pages maximum

11 Defendant’s opposition and cross-motion: 35 pages maximum

12 Plaintiff’s reply and opposition: 20 pages maximum

13 Defendant’s Reply: 10 pages maximum

14 (*See* ECF Doc. No. 5-2 at p. 2:16-23 [Order dated 06/13/16].)

15 In light of the Court’s November 21, 2016 order that “this ERISA matter
16 should proceed on cross motions for summary judgment” (ECF Doc. No. 18), the
17 Parties respectfully seek clarification from the Court that the foregoing page
18 limitations, noted in the Court’s June 13, 2016 Order, apply, rather than page
19 limitations noted in the Court’s November 21, 2016 Order, which the Parties did not
20 understand to apply to cross-motions with a total of four briefs ordered. This
21 stipulation is not intended to limit either party from seeking permission from the
22 Court to exceed the stated page limitations. (*See* 06/13/16 Order at 2:25-26: “The
23 parties must obtain permission from the Court to exceed the stated page
24 limitations.”)

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IT IS SO STIPULATED

Dated: June 16, 2017

KANTOR & KANTOR, LLP

By: /s/ Brent Dorian Brehm

Brent Dorian Brehm
Attorneys for Plaintiff
DEDRA ESPINDOLA

Dated: June 16, 2017

MESERVE, MUMPER & HUGHES LLP

By: /s/ Allison Vana

Allison Vana
Attorneys for Defendant
STANDARD INSURANCE
COMPANY

Filer's Attestation-Local Rule 131(e)

The filing attorney attests that she has obtained concurrence regarding the filing of this document and its content from the signatories to this document.

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1 **ORDER**

2 Based on the Parties' Stipulation and good cause appearing, the hearing on
3 the Parties' cross-motions for summary judgment in this ERISA matter is continued
4 to September 19, 2017 at 1:30 p.m.

5 The page limitations set forth in the Court's Order Re Filing Requirements
6 [Docket No. 5-2, at p. 2:16-23] apply to the Parties' memoranda of points and
7 authorities:

8 Plaintiff's opening brief: 25 pages maximum

9 Defendant's opposition and cross-motion: 35 pages maximum

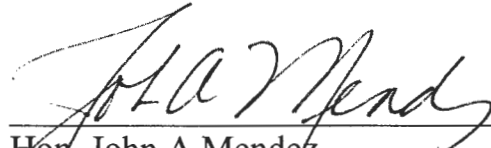
10 Plaintiff's reply and opposition: 20 pages maximum

11 Defendant's Reply: 10 pages maximum

12 This Order does not limit either party from seeking permission from the Court to
13 exceed the stated page limitations.

14
15 **IT IS SO ORDERED.**

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17 Dated: 6-19, 2017

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19 _____
20 Hon. John A Mendez
21 United States District Judge
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