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*Hartford Life and Accident Insurance Company*

11 **UNITED STATES DISTRICT COURT**  
 12 **EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO**

14 FADI G. HADDAD, M.D.,  
 15 Plaintiff,  
 16 v.  
 17 SMG LONG TERM DISABILITY  
 PLAN, AND HARTFORD LIFE  
 18 AND ACCIDENT INSURANCE  
 COMPANY,  
 19 Defendants.

Case No. 2:16-cv-01700-WHO  
**THIRD STIPULATION AND  
 ORDER TO FURTHER  
 CONTINUE BRIEFING AND  
 HEARING SCHEDULE RE  
 BENEFIT CALCULATIONS**  
 Honorable William H. Orrick

22 Plaintiff Fadi G. Haddad, M.D., and Defendant Hartford Life and Accident  
 23 Insurance Company, through counsel, hereby stipulate and request a 14-day  
 24 extension based on the following:

- 25 1. Plaintiff filed his opening brief re benefit calculations on March 16,  
 26 2021. [Dkt. 106]
- 27 2. Following the submission of Plaintiff’s opening brief, the parties have  
 28 had further discussions regarding the calculation of the pre-disability monthly

1 earnings (PDE) to see if they can reach an agreement without Court intervention.  
2 They also discussed trying to reach a global settlement regarding the pre-disability  
3 monthly earnings issue, the loan forgiveness issue (which the Court previously  
4 remanded back to the administrator) and the prejudgment interest.

5 3. On March 30, 2021, the parties requested and received a 14-day  
6 extension on the briefing to see if such an agreement can be worked out without  
7 further briefing and expense. [Dkt. 109, 110] Defendant Hartford's Response and  
8 accompanying Declaration is due April 16, 2021. Plaintiff's Reply is due April 23,  
9 2021. The hearing is set for May 11, 2021 at 2 p.m.

10 4. The parties have exchanged offers on the Pre-disability Earnings  
11 (PDE) issue and, if that resolves, will focus on Plaintiff's claim for prejudgment  
12 interest. In addition, the attorney for Hartford has/had several filings this week and  
13 last week making it difficult for him to interact with the ERISA Plan's attorney who  
14 has recently left his position. Thus, Hartford needs more time to obtain a  
15 declaration from the Plan if the case does not settle as suggested in the Court's  
16 previous minute order. The parties require a further extension of 14 days to see if  
17 the matter can be resolved and a 21-day extension of the hearing date due to  
18 scheduling issues.

- 19 • Defendant's Response/Accompanying Declaration answering the
- 20 Court's questions continued from April 16, 2021 to April 30, 2021.
- 21 • Plaintiff's Reply continued from April 23, 2021 to May 7, 2021.
- 22 • Hearing continued from May 11, 2021 to June 1, 2021 at 2 p.m.

23 IT IS SO STIPULATED.

24 Dated: April 12, 2021

LAW OFFICES OF LAURENCE F. PADWAY

25  
26 By: */s/ Laurence F. Padway*  
*[As authorized on April 12, 2021]*

27 Laurence F. Padway  
Attorneys for Plaintiff Fadi G. Haddad, M.D.

1 Dated: April 12, 2021

BURKE, WILLIAMS & SORENSEN, LLP

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By: /s/ Michael B. Bernacchi

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Michael B. Bernacchi  
Attorneys for Defendant Hartford Life and  
Accident Insurance Company

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**ORDER**

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Good cause appearing, IT IS SO ORDERED.

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10 Dated: April 12, 2021

Honorable William H. Orrick  
United States District Judge

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