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

13  
14 FADI G. HADDAD, M.D.,

15 Plaintiff,

16 v.

17 SMG LONG TERM DISABILITY  
18 PLAN, AND HARTFORD LIFE  
AND ACCIDENT INSURANCE  
19 COMPANY,

20 Defendants.

Case No. 2:16-cv-01700-WHO

**FOURTH STIPULATION AND  
ORDER TO FURTHER CONTINUE  
BRIEFING AND HEARING  
SCHEDULE RE BENEFIT  
CALCULATIONS**

Honorable William H. Orrick

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

26 1. Plaintiff filed his opening brief re benefit calculations on March 16,  
27 2021. [Dkt. 106]

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1           2.     Following the submission of Plaintiff’s opening brief, the parties  
2 continued to discuss the *calculation* of the pre-disability monthly earnings (PDE) to  
3 try to reach an agreement without Court intervention. They also discussed trying to  
4 reach a global settlement regarding the PDE issue and the prejudgment interest  
5 claim.

6           3.     On March 30, 2021, the parties requested and received a 14-day  
7 extension on the briefing to see if such an agreement can be worked out without  
8 further briefing and expense. [Dkt. 109, 110]

9           4.     Following the extension on March 30, 2021, the parties continued to  
10 exchange offers on the PDE issue and to meet and confer on Plaintiff’s claim for  
11 prejudgment interest. The parties therefore requested another extension of 14-days  
12 to continue settlement discussions, and a 21-day extension of the hearing date due  
13 to Hartford’s counsel’s scheduling issues. The court granted the extension.  
14 Defendant’s Response/Accompanying Declaration answering the Court’s questions  
15 was due April 30, 2021; Plaintiff’s Reply on May 7, 2021 and the hearing would  
16 occur on June 1, 2021 at 2:00 p.m.

17           5.     The parties have diligently continued to negotiate during the additional  
18 time granted by this Court and have now reached a *reached a resolution* on the  
19 PDE issue (which was the more complex issue) subject to the signing of a release,  
20 but need additional time to see if they can resolve the prejudgment interest dispute.  
21 The parties therefore respectfully request a further extension of 7-days as follows to  
22 try and resolve this issue as well:

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- Defendant's Response/Accompanying Declaration answering the Court's questions continued from April 30, 2021 to **May 7, 2021**.
- Plaintiff's Reply continued from May 7, 2021 to **May 14, 2021**.
- Hearing continued from June 1, 2021 at to **June 8, 2021 at 2:00 p.m.**

IT IS SO STIPULATED.

Dated: April 30, 2021

LAW OFFICES OF LAURENCE F. PADWAY

By: /s/ Laurence F. Padway

Laurence F. Padway

Attorneys for Plaintiff Fadi G. Haddad, M.D.

Dated: April 30, 2021

BURKE, WILLIAMS & SORENSEN, LLP

By: /s/ Michael B. Bernacchi

Michael B. Bernacchi

Attorneys for Defendant Hartford Life and Accident Insurance Company

**ORDER**

Good cause appearing, IT IS SO ORDERED.

Dated: April 30, 2021

  
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Honorable William H. Orrick  
United States District Judge