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10
 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 AND ACCIDENT
 18 INSURANCE COMPANY,

19 Defendants.

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

**STIPULATION AND [PROPOSED]
 ORDER RE SETTLEMENT
 AGREEMENT**

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 21
 22 **RECITALS**

23 WHEREAS, Dr. Haddad claims disability under a group disability policy (number
 24 GVL-16008) (Policy) issued by Hartford Life and Accident Insurance Company as part of
 25 an employee welfare benefit plan subject to the Employee Retirement Income Security
 26 Act of 1974 (“ERISA”).

27 WHEREAS, Dr. Haddad filed this lawsuit seeking disability benefits from Hartford
 28 captioned *Fadi G. Haddad, M.D. v. SMG Long-Term Disability Plan and Hartford Life*

1 *and Accident Insurance Company*, now pending as Case No. 2:16-cv-01700-WHO in the
2 United States District Court, Eastern District of California [Docket 42].

3 WHEREAS, Dr. Haddad’s claim for Short-Term Disability (“STD”) benefits from
4 Hartford was litigated in the District Court to judgment [Docket 35] and appealed to the
5 Ninth Circuit Court of Appeals, which reversed the judgment and remanded the case back
6 to the District Court with instructions on January 22, 2019 [Docket 42].

7 WHEREAS, Hartford claims an offset to the Short-Term and Long-Term
8 Disability benefits provided by the Policy based upon Dr. Haddad’s settlement of a
9 personal injury lawsuit captioned *Haddad v. Hilton Worldwide Holdings, Inc., et al.*,
10 United States District Court, Eastern District of California, Case No. 2:16-cv-00405-
11 MCE-CKD, and Dr. Haddad disputes said entitlement.

12 WHEREAS, the settlement agreement between Dr. Haddad and Hilton contains a
13 confidentiality provision which precludes Dr. Haddad from providing that agreement to
14 Hartford absent a court order.

15 WHEREAS, Dr. Haddad and Hartford agree that production of the settlement
16 agreement would facilitate Hartford’s analysis of its entitlement to an offset, and Hartford
17 has agreed to be bound by the confidentiality provision in the settlement agreement to the
18 same extent that the parties to the Hilton settlement are bound. Accordingly, counsel for
19 Dr. Haddad believes that Hartford is entitled to an order for production of the Hilton
20 settlement agreement. See *Ex Parte Upperqu*, 239 U.S. 435 (1915).

21 WHEREAS, although the settlement agreement between Dr. Haddad and Hilton
22 does not require notice to Hilton prior to the seeking of a court order for disclosure of the
23 agreement, counsel for Dr. Haddad has nonetheless twice emailed and twice left voice
24 mail messages for counsel for Hilton, the earliest of which was on May 9, 2019, advising
25 Hilton’s counsel of Hartford’s request to see the settlement agreement and offering
26 counsel for Hilton the opportunity to object and be heard on the matter. Counsel for
27 Hilton has not responded to these emails and voice mails.

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Dated: May 21, 2019

Burke, Williams & Sorensen, LLP

By: /s/ Michael B. Bernacchi
Michael B. Bernacchi
Attorneys for Defendant
Hartford Life and Accident Insurance Company

ATTESTATION PURSUANT TO GENERAL ORDER 45

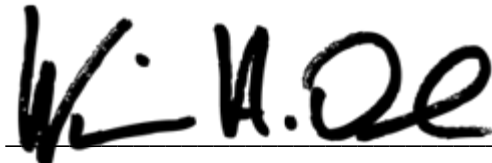
I, Michael B. Bernacchi, attest that concurrence in the filing of this document has been obtained from the other Signatory.

By: /s/ Michael B. Bernacchi
Michael B. Bernacchi

ORDER

IT IS SO ORDERED.

Dated: May 22, 2019



Honorable William H. Orrick
United States District Judge