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 10 Accident Insurance Company*

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

15 FADI G. HADDAD, M.D.,

16 Plaintiff,

17 v.

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

20 Defendants.
 21

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

**STIPULATION TO REMAND LTD
 CLAIM; AND [PROPOSED]
 ORDER**

22
 23 The Parties, Plaintiff Fadi G. Haddad, M.D. (“Plaintiff” or “Dr. Haddad”),
 24 and Defendant Hartford Life and Accident Insurance Company (“Hartford”),
 25 through their respective counsel, hereby stipulate and agree based on the following:

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1 WHEREAS, Plaintiff filed a complaint in the United States District Court for
2 the Eastern District of California for both short-term (STD) and long-term disability
3 benefits (LTD) under the SMG ERISA welfare plan.
4

5 WHEREAS, this Northern District Court was sitting by designation in the
6 Eastern District due to a backlog of cases in the Eastern District and was assigned
7 this matter for all purposes.
8

9 WHEREAS, the Parties have reached an agreement to resolve the
10 outstanding STD claim and allow this case to be remanded back to the SMG Long
11 Term Disability Plan for the adjudication of Dr. Haddad's LTD claim. While the
12 terms of the settlement agreement have not been completely effectuated at this
13 point, the parties would like to proceed with the remand of the LTD claim at this
14 time. Accordingly, the parties stipulate to the following conditions and request that
15 this Court enter an order in accordance with the following stipulation:
16

17 1. Upon the Court signing this order, Dr. Haddad's claim for long-term
18 disability benefits will be deemed remanded to the Plan for consideration. Upon
19 remand, Dr. Haddad will file an application for LTD benefits and the application
20 will be treated as a new claim under ERISA to be adjudicated within the time limits
21 for claims specified in 29 C. F. R. 2560.503-1.
22

23 2. The parties request that the Court retain jurisdiction of the case
24 throughout the remand. This Court's order of August 23, 2017 (docket 34) at fn. 8
25 declined to reach the long-term disability allegations in the complaint. If there is a
26 need for further litigation following the remand, the parties would like to ensure
27 that it stays before this Court. As this case was filed in the Eastern District, and this
28 Court does not normally sit in that forum, the parties believe the best way to do this

1 is to retain jurisdiction. If the Court is not inclined to maintain jurisdiction in the
2 case during the remand, the parties request the opportunity to discuss that during a
3 scheduled phone Case Management Conference.

4
5 3. As this Court will retain jurisdiction over this case the parties request a
6 status conference in approximately 90 days.

7
8 IT IS SO STIPULATED.

9
10 Dated: June 11, 2019

Law Offices of Laurence F. Padway

11

By: /s/ Laurence F. Padway

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

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15 Dated: June 11, 2019

Burke, Williams & Sorensen, LLP

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By: /s/ Michael B. Bernacchi

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

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1 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

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

4
5 Dated: June 11, 2019

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

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7
8
9 **(PROPOSED) ORDER**

10 Pursuant to stipulation, and good cause appearing, IT IS HEREBY
11 ORDERED that:


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13 1. Upon the Court signing this order, Dr. Haddad's claim for long-term
14 disability benefits will be deemed remanded to the Plan for consideration. Upon
15 remand, Dr. Haddad will file an application for LTD benefits and the application
16 will be treated as a new claim under ERISA to be adjudicated within the time limits
17 for claims specified in 29 C. F. R. 2560.503-1.

18
19 2. The Court will retain jurisdiction of the case throughout the remand.

20
21 3. A telephonic status conference in this matter is hereby set for
22 September 24, 2019 at 2:00 p.m. A Joint Status Report shall be filed by September
23 17, 2019.

24
25 IT IS SO ORDERED.

26
27 Dated: June 12, 2019



Hon. William H. Orrick III
United States District Judge