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 8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**

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 11 BRENDA CULBERTSON-CHAVIRA,) Case No. 2:17-cv-01702-JAM-AC
)
 12 Plaintiff,) **JOINT STIPULATION, STATUS**
) **REPORT AND ORDER RE STATUS OF**
 13 vs.) **STAY OF CASE PENDING**
) **ADMINISTRATIVE APPEAL**
 14 LIFE INSURANCE COMPANY OF NORTH)
 AMERICA, COMMUNITY MEMORIAL)
 15 HEALTH SYSTEM EMPLOYEE BENEFIT) Judge: Hon. John A. Mendez
 PLAN and DOES 1 THROUGH 10,)
 16 Defendants.)
 17)

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 19 Pursuant to this Court’s Orders dated October 11, 2017 (ECF Doc. No. 12) and April 3,
 20 2018 (ECF Doc. No. 13), Plaintiff BRENDA CULBERTSON-CHAVIRA (“Plaintiff”) and
 21 Defendant LIFE INSURANCE COMPANY OF NORTH AMERICA (“LINA”) (collectively “the
 22 Parties”),¹ by and through their respective counsel, provide the following Joint Stipulation.

23 On October 11, 2017, the Court granted the Parties’ Stipulation to Stay Case Pending
 24 Administrative Appeal. See ECF Doc. No. 11 (Stip. filed 10/10/17); ECF Doc. No. 12 (Order
 25 dated 10/11/17). In its October 11, 2017 Order, the Court instructed the Parties to file, by April 10,
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27 ¹ Defendant Community Memorial Health System Employee Benefit Plan (the “Plan”) was
 28 dismissed on September 1, 2017 pursuant to stipulation. (ECF Doc. Nos. 6-7.)

1 2018, a joint stipulation providing the status of Plaintiff's submission to LINA of an administrative
2 appeal of the denial of her long-term disability ("LTD") benefits claim, "whether the stay should be
3 lifted, whether this matter should proceed as originally filed, whether an amended complaint is
4 needed, or whether this matter should be dismissed." (See ECF Doc. No. 12 at 1:25-2:2.)

5 On April 3, 2018, the Court issued a Minute Order instructing the parties to file "an updated
6 joint status report on or before April 20, 2018." (See ECF Doc. No. 13 [text entry only].)

7 Since the time the Court stayed this action, the following activities have occurred:

8 Plaintiff submitted her administrative appeal to LINA. LINA overturned its prior decision
9 to deny LTD benefits to Plaintiff.

10 Plaintiff now seeks an award for attorney fees and costs. It is LINA's position this ERISA
11 matter should be dismissed, and without an award of fees and costs. If the Parties are unable to
12 resolve the issue, Plaintiff intends to bring a motion for attorney fees and costs. The Parties have
13 conferred on, agree to, and respectfully request that the Court issue an order setting forth the
14 following briefing schedule with respect to Plaintiff's anticipated motion.

15 1. Plaintiff's motion for attorney fees and costs shall be filed on May 15, 2018 and
16 noticed for hearing on June 12, 2018;

17 2. LINA's opposition to Plaintiff's Motion shall be filed May 29, 2018;

18 3. Plaintiff's reply to LINA's opposition to the Motion shall be filed June 5, 2018.

19 **IT IS SO STIPULATED.**

20 Dated: April 11, 2018

DONAHUE & HORROW, LLP

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By: /s/ Michael B. Horrow

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Michael B. Horrow

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Attorneys for Plaintiff

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BRENDA CULBERTSON-CHAVIRA

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1 Dated: April 11, 2018

MESERVE, MUMPER & HUGHES LLP
Nicole Y. Blohm
Allison Vana

4 By: /s/ Nicole Y. Blohm
Nicole Y. Blohm
Attorneys for Defendant
LIFE INSURANCE COMPANY OF
NORTH AMERICA

8 **Filer's Attestation-Local Rule 131(e)**

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

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ORDER (AS MODIFIED BY THE COURT)

Pursuant to the Parties’ Stipulation re Status of Case Pending Administrative Appeal, IT IS
HEREBY ORDERED as follows:

- 1. Plaintiff BRENDA CULBERTSON-CHAVIRA’s (“Plaintiff”) motion for attorney fees and costs (“Motion”) shall be filed on May 15, 2018 and noticed for hearing on June 19, 2018 at 1:30 p.m.;
- 2. Defendant LIFE INSURANCE COMPANY OF NORTH AMERICA’s (“LINA”) opposition to Plaintiff’s Motion shall be filed June 5, 2018;
- 3. Plaintiff’s reply to LINA’s opposition to the Motion shall be filed June 12, 2018.

IT IS SO ORDERED.

Dated: April 12, 2018

/s/ John A. Mendez
Hon. John A Mendez
United States District Court Judge