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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

16 MICHELLE ALVES, DONALD MYERS,
17 and DANIEL CABALLERO,

18 Plaintiffs,

19 vs.

20 METROPOLITAN LIFE INSURANCE
21 COMPANY,

22 Defendant.

Case No. CV 07-00538 SI

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT AND
[PROPOSED] ORDER**

Date: September 15, 2009
Time: 11:00 A.M..
Judge: Hon. Susan Illston

23 Pursuant to this Court's July 31, 2009 Minute Order, Plaintiffs Michelle Alves, Donald
24 Myers, and Daniel Caballero ("Plaintiffs") and Defendant Metropolitan Life Insurance Company
25 ("Defendant") (together, the "Parties") jointly submit this Case Management Statement and
26 Proposed Order and respectfully request that the Court take the current case management
27 conference, set for September 15, 2009, off calendar.

28 As this court is aware, on June 5, 2007, a stipulated stay of this matter was entered
pending resolution of the related matter of *Weinstein, et. al. v. Metropolitan Life Insurance Co.,
et. al.*, Case No. 06-cv-04444 (SI) (the "*Weinstein* Action"). Specifically, the stipulation provided
that "*Reeder* Action should be stayed throughout the pendency of the *Weinstein* Action and such
stay should be lifted only after the *Weinstein* Action is dismissed, or otherwise fully adjudicated .

. . .” *Reeder* Docket Entry #58 (emphasis added).

On July 31, 2009, this Court entered a Final Approval Order and Judgment Approving Settlement (“Final Approval Order”) in the *Weinstein* Action. *Weinstein* Docket Entry # 220. That Final Approval Order became effective on August 31, 2009. Two of the original named plaintiffs in this action – Kim Reeder and Elmo Cash – participated in the *Weinstein* settlement and by operation of the Final Approval Order, have released all of their claims against MetLife. The remaining three original named plaintiffs – Michele Alves, Donald Myers, and Daniel Caballero – each opted out of the *Weinstein* settlement. *See Weinstein* Docket Entry # 220.

Since opting-out, and following the Court’s July 31, 2009 Minute Order, the parties have finalized and agreed to the terms of a settlement agreement (which includes a confidentiality clause). A Stipulation of Dismissal With Prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1), seeking the Court’s approval to dismiss this action, will be filed by no later than October 20, 2009. In light of this, the parties respectfully request that the Court continue the current case management conference, set for September 15, 2009, to November 3, 2009 at 11:00 a.m. or a date convenient to the Court.

DATED: September 8, 2009

SCOTT COLE & ASSOCIATES, APC

/s/ (With Permission)

MATTHEW BAINER

Attorneys for Michele Alves, Donald Myers, and Daniel Caballero

DATED: September 8, 2009

MORGAN, LEWIS & BOCKIUS, LLP

/s/

M. MICHAEL COLE

Attorneys for Defendant Metropolitan Life Insurance Company

[PROPOSED] ORDER

The current case management conference, set for September 15, 2009, is continued to November 9, 2009 at 11:00 a.m. ^{3:00}

Dated: _____, 2009

By: _____

Hon. Susan Illston, USDJ