

1 REBECCA EISEN, State Bar No. 096129  
 2 THERESA MAK, State Bar No. 211435  
 3 MORGAN, LEWIS & BOCKIUS LLP  
 4 One Market, Spear Street Tower  
 5 San Francisco, CA 94105-1126  
 reisen@morganlewis.com  
 4 tmak@morganlewis.com  
 Tel: 415.442.1000  
 5 Fax: 415.442.1001

6 Attorneys for Defendant  
 7 METROPOLITAN LIFE INSURANCE  
 8 COMPANY

9 **UNITED STATES DISTRICT COURT**  
 10 **NORTHERN DISTRICT OF CALIFORNIA**  
 11 **SAN FRANCISCO DIVISION**

12 MICHELLE ALVES, DONALD MYERS,  
 13 and DANIEL CABALLERO,

14 Plaintiffs,

15 vs.

16 METROPOLITAN LIFE INSURANCE  
 17 COMPANY,

18 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

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

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

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

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

9 Since opting-out, and following the Court’s July 31, 2009 Minute Order, the parties have  
10 finalized and agreed to the terms of a settlement agreement (which includes a confidentiality  
11 clause). A Stipulation of Dismissal With Prejudice pursuant to Federal Rule of Civil Procedure  
12 41(a)(1), seeking the Court’s approval to dismiss this action, will be filed by no later than October  
13 20, 2009. In light of this, the parties respectfully request that the Court continue the current case  
14 management conference, set for September 15, 2009, to November 3, 2009 at 11:00 a.m. or a date  
15 convenient to the Court.

16 DATED: September 8, 2009 SCOTT COLE & ASSOCIATES, APC

17 /s/ (With Permission)  
18 MATTHEW BAINER

19 Attorneys for Michele Alves, Donald Myers, and  
20 Daniel Caballero


21 DATED: September 8, 2009 MORGAN, LEWIS & BOCKIUS, LLP

22 /s/  
23 M. MICHAEL COLE

24 Attorneys for Defendant Metropolitan Life Insurance  
25 Company

26 **[PROPOSED] ORDER**

27 The current case management conference, set for September 15, 2009, is continued to  
28 November ~~3~~<sup>13</sup>, 2009 at ~~11:00~~<sup>3:00</sup> a.m.

Dated: \_\_\_\_\_, 2009 By:   
Hon. Susan Illston, USDJ