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12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

15 PATRICIA BROYLES,
 16 Plaintiff,

17 vs.

18 A.U.L. CORPORATION LONG-TERM
 19 DISABILITY INSURANCE PLAN,
 20 Defendant,

21 STANDARD INSURANCE COMPANY,
 22 Real Party at Interest.
 23

CASE NO. C07-05305 MMC

**STIPULATION AND ~~proposed~~
 ORDER CONTINUING HEARING
 AND BRIEFING**

25 Whereas, by prior order of the Court, plaintiff's motion on the merits of this
 26 ERISA benefits case is scheduled to be filed September 12, 2008, and the hearing thereon is
 27 scheduled for October 17, 2008; and

28 Whereas, plaintiff requires a declaration from Dr. Glen Pfeffer in order properly
 to brief the motion; and

1 Whereas, counsel for plaintiff advises that despite his efforts over the past months
2 to secure that declaration, Dr. Pfeffer has not yet completed it, and Dr. Pfeffer's office has
3 advised counsel for plaintiff that Dr. Pfeffer presently is in Brazil without the material needed to
4 complete the declaration and will not return for the next two weeks;

5 Whereas, the Plan contends that evidence outside the administrative record is not
6 permissible in the Court's review of the merits of Standard's decision (the Court previously
7 denied Plaintiff's motion for *de novo* review), and by signing this stipulation in no way intends
8 to waive its arguments that a declaration by Dr. Pfeffer cannot be considered by the Court and
9 should be stricken

10 Now, therefore, the parties stipulate as follows:

11 1. The hearing on the motion for judgment on the merits be continued from
12 October 17, 2008 to November 14, 2008 at 9:00 o'clock a.m.; and

13 2. The date for the filing of plaintiff's opening brief is continued from September
14 12, 2008 to October 10, 2008.

15
16 Dated: September 12, 2008

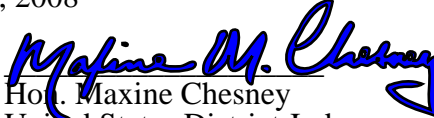
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18
19 _____/s/_____
20 Laurence F. Padway
21 Attorney for plaintiff

_____/s/_____
Shawn Hanson
Katherine S. Ritchey
Jones Day
Attorney for Defendant and
Real Party in Interest

22
23
24 **ORDER**

25 Good cause appearing, It is so ordered.

26 Dated: September 16, 2008

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28 
Hon. Maxine Chesney
United States District Judge