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ACCIDENT INSURANCE COMPANY and AMERICAN
PRESIDENT LINES, LTD

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RHONDA M. PIERCE, as Administrator of
the Estate of PATRICIA A. HOFFER,
deceased,

Plaintiff,

vs.

HARTFORD LIFE AND ACCIDENT
INSURANCE COMPANY; AMERICAN
PRESIDENT LINES, LTD., and DOES 1
THROUGH 25,

Defendants.

Case No.: CV-08-2174-MHP

**STIPULATION FURTHER EXTENDING
DEADLINE FOR BRIEFING ON
STANDARD OF REVIEW; PROPOSED
ORDER**

1 Plaintiff Patricia Hoffer ("Plaintiff") and defendants Hartford Life and Accident
2 Insurance Company ("Hartford") and American President Lines, Ltd., ("APL") by and through
3 their respective counsel, hereby stipulate to an extension of time to file briefing on the standard
4 of review in the above matter, and request an order extending the same, as follows.

5 1. This is an action by Plaintiff, as the administrator of the estate of Patricia A.
6 Hoffer, deceased, seeking to recover total disability benefits under a Long term Disability Plan
7 issued by Hartford to her former employer, APL.

8 2. Plaintiff believes the decedent also was insured under a life insurance policy
9 issued by her employer. The parties have been working informally to determine whether Plaintiff
10 continued coverage under the any such life insurance policy, the identity of the entity that issued
11 the policy, and the amount of any such benefit. The parties agree that whether the decedent was
12 eligible for a benefit under a life insurance policy issued or offered by the defendants is a
13 material question that will substantially affect the value of the case and will impact the parties'
14 prosecution of the litigation and eventual approach to a resolution.

15 3. At the status conference in this matter on January 12, 2009, the Court issued an
16 order requiring the parties to file briefs on or before March 16, 2009, concerning the standard of
17 review the Court should utilize in evaluating the propriety of Hartford's determination that the
18 decedent was not entitled to further disability benefits. The Court extended that deadline to April
19 16, 2009, to enable the parties to continue their efforts at evaluating the life insurance question.

20 4. The parties are still working on sorting out the life insurance issue. Some
21 documents in that regard have been located but others are still being gathered. The parties have
22 not been able to definitively evaluate the issues concerning the existence and availability of a life
23 insurance benefit to date, but they are continuing to work on the question in a mutually
24 cooperative fashion.

25 5. The parties still want to explore and exhaust settlement possibilities prior to
26 incurring the attorney's fees and costs that would be associated with the preparation of the
27 briefing on the standard of review. They recognize they need to solve the life insurance question
28 in order to maximize the potential for the success of their settlement discussions.

1 6. Accordingly, the parties hereby request that the Court extend the deadline for the
2 filing of briefs on the standard of review until May 15, 2009, to allow the parties to continue to
3 work on the life insurance question and pursue settlement discussions.

4 IT IS SO STIPULATED.

5
6 Dated: April 14, 2009 KELLY, HOCKEL & KLEIN P.C.

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8
9 By // Thomas K. Hockel
10 Thomas K. Hockel
 Attorneys for Defendants

11 Dated: April 14, 2009 LAW OFFICE OF CURTIS G. OLER

12
13
14 By // Curtis G. Oler
15 Curtis G. Oler
 Attorney for Plaintiff

16 ORDER

17 Having considered the parties' stipulation, and good cause appearing, the Court hereby
18 approves of the foregoing stipulation and extends the deadline for the filing of briefing on the
19 standard of review until **May 15, 2009**.

20 IT IS SO ORDERED.

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23 Dated: 4/15/2009

