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13
 14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16

17 ELIZABETH FOWLER,)
)
 18 Plaintiff,)
)
 19 v.)
)
 20 AETNA LIFE INSURANCE COMPANY;)
 THE PARSONS BRINCKERHOFF)
 21 GROUP ADM SHORT TERM)
 DISABILITY PLAN; THE PARSONS)
 22 BRINCKERHOFF GROUP ADM LONG)
 TERM DISABILITY PLAN, et al.,)
 23)
 Defendants.)
 24)

Case No. C 08-03463 WHA

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER TO CONTINUE
 TRIAL AND PRE-TRIAL DATES**

Date: September 10, 2009
 Time: 8:00 a.m.
 Courtroom: 9, 19th Floor
 Judge: Hon. William H. Alsup

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STIPULATION

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2 Plaintiff Elizabeth Fowler and Defendants Aetna Life Insurance Company, The Parsons
3 Brinckerhoff Group ADM Short Term Disability Plan, The Parsons Brinckerhoff Group ADM
4 Long Term Disability Plan, by and through their respective counsel of record, hereby stipulate
5 and agree as follows:

6 1. Currently, a bench trial for this matter is set for October 26 and 27, 2009, with
7 pre-trial disclosures due September 25, 2009, discovery cut-off of September 30, 2009, and a
8 final pre-trial conference on October 13, 2009. The parties have worked diligently and
9 cooperatively to meet these deadlines.

10 2. Discovery that the Court granted Plaintiff leave to conduct included the
11 deposition of Aetna employee Andres Matos. Mr. Matos' deposition was scheduled to take
12 place on September 17, 2009, in Hartford, Connecticut. However, the mother of Plaintiff's
13 counsel, Terrence J. Coleman, was unexpectedly hospitalized that week with the onset of a
14 serious illness. In light of this, the parties agreed to continue Mr. Matos' deposition and are
15 working to confirm a new deposition date for mid October.

16 3. Discovery that the Court granted Plaintiff leave to obtain included the peer
17 review reports and other relevant claim documents for a statistical sample of 100 claimants for
18 whom Lawrence Blumberg, M.D. provided a peer records review. Aetna has been obtaining
19 said documents in good faith and producing said documents to Plaintiff on a rolling basis, but
20 will unable to complete production of the sample documents before the September 30, 2009
21 discovery deadline. The parties agree that the sample documents must be reviewed in their
22 entirety before the parties can disclose to the Court those portions that will be cited as exhibits
23 for the bench trial.

24 4. In light of the foregoing, the parties stipulate to continue the applicable
25 deadlines as follows:

- 26 • To extend the September 30, 2009 discovery cut-off insofar as to allow
27 completion of Mr. Matos' deposition and the production of the documents for
28 the sample of 100 claimants for whom Lawrence Blumberg, M.D. submitted a

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report;

- To continue the trial dates from October 26 and 27, 2009, to **December 14 and 15, 2009;**
- To continue the final pretrial conference from October 13, 2009, to **November 24, 2009;**
- To continue the date for submitting pretrial disclosures from September 25, 2009, to **October 23, 2009;** and
- To continue the date for submitting the proposed pretrial order from October 6, 2009 to **November 18, 2009.**

The parties respectfully request the Court to adopt the foregoing dates or such other later dates available and convenient for the Court.

DATED: September 25, 2009

PILLSBURY & LEVINSON, LLP
BRIAN H. KIM

By: /s/ Brian H. Kim
BRIAN H. KIM
Attorneys for Plaintiff Elizabeth Fowler

DATED: September 25, 2009

GORDON & REES LLP
RONALD K. ALBERTS
TAD A. DEVLIN

By: /s/ Tad A. Devlin
RONALD K. ALBERTS
TAD A. DEVLIN
Attorneys for Defendants Aetna Life Insurance Company, the Parsons Brinckerhoff Group ADM Short Term Disability Plan, and the Parsons Brinckerhoff Group ADM Long Term Disability Plan

~~PROPOSED~~ ORDER

Upon consideration of the foregoing request, and with good cause appearing therefore, IT IS HEREBY ORDERED that the trial and pre-trial dates are continued as follows:

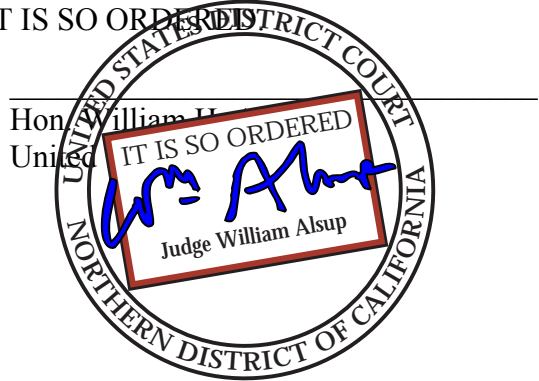
- December 14 and 15, 2009 – Trial; **at 7:30 a.m.**
- November 24, 2009 – Final Pretrial Conference; **at 7:30 a.m.**

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- October 23, 2009 – Last day to complete pretrial disclosures;
- November 18, 2009 – Last day to submit proposed pretrial order.
- The discovery cut-off of September 30, 2009, is extended insofar as to allow completion of Mr. Matos’ deposition and the production of the documents for the sample of 100 claimants for whom Lawrence Blumberg, M.D. submitted a report.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 29, 2009



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