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The Prudential Insurance Company of America  
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14 **UNITED STATES DISTRICT COURT**  
15 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO**  
16

17 CORA J. WILLIAMS,  
18 Plaintiffs,

19 vs.

20 THE PRUDENTIAL INSURANCE  
COMPANY OF AMERICA, and DOES  
21 1 – 50, inclusive,

22 Defendants.  
23  
24  
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26  
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Case No.: 08-CV-04170 SI

Action Filed : May 31, 2008

**STIPULATION ALLOWING  
DEFENDANT TO FILE  
AMENDED ANSWER AND  
COUNTERCLAIM;  
[PROPOSED] ORDER**

1 TO THE UNITED STATES DISTRICT COURT FOR THE NORTHERN  
2 DISTRICT OF CALIFORNIA:

3  
4 Plaintiff Cora J. Williams (“Plaintiff”) and Defendant The Prudential  
5 Insurance Company of America (“Prudential”), hereby stipulate and respectfully  
6 request that the Court order as follows.

7  
8 1. Prudential filed a Motion for Leave to Amend Answer to Include a  
9 Counterclaim dated October 15, 2009. By that Motion, Prudential seeks leave to  
10 amend its Answer to add a Counterclaim seeking reimbursement of benefits paid by  
11 Prudential to Williams prior to her award of Social Security Disability Benefits, in  
12 accordance with Prudential’s assertion of a “Reimbursement Agreement” and the  
13 terms of its insurance policy. Prudential seeks reimbursement in the amount of  
14 \$18,843.72 plus interest, and other relief. Plaintiff does not oppose the granting of  
15 such leave to amend, subject to the conditions set forth below.

16  
17 2. Plaintiff wishes to amend her Complaint to include a prayer for  
18 recovery of punitive damages under applicable law. Prudential opposes any such  
19 amendment.

20  
21 3. Accordingly, the parties hereby stipulate, and respectfully request that  
22 the Court order as follows:

23  
24 a. Prudential may file an Amended Answer and Counterclaim, in  
25 the form submitted to the Court with its Motion dated October 15, 2009;  
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1           b.     Plaintiff may, within 45 days of this Order, seek leave of Court  
 2 to Amend the Complaint to include a prayer for recovery of punitive damages  
 3 under applicable law. Prudential shall not oppose Plaintiff's application for  
 4 leave to amend on the grounds that the motion is time-barred by the Court's  
 5 Case Management orders previously entered in this action. Nothing  
 6 contained in this Stipulation shall be deemed to waive Prudential's right to  
 7 oppose the motion for leave to amend on any other grounds, including,  
 8 without limitation that adding a claim for punitive damages at this stage of the  
 9 litigation is prejudicial.

10  
 11           c.     Nothing in this Stipulation and Order shall be deemed to be the  
 12 Court's approval of the merits of Prudential's proposed Amended Answer and  
 13 Counterclaim; nor shall anything in this Stipulation and Order be deemed a  
 14 waiver by plaintiff of any objection or defense to the allegations of said  
 15 Amended Answer and Counterclaim.

16  
 17 IT IS SO STIPULATED.

18  
 19 Dated: October 29, 2009

JULIAN M. BAUM & ASSOCIATES

20  
 21 By: /s/ Julian M. Baum  
 22 JULIAN M. BAUM  
 23 Attorneys for Plaintiff  
 24 Cora J. Williams

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 27 ///

1  
2 Dated: October 29, 2009

BARGER & WOLEN LLP

3  
4 By: /s/ Robert J. McKennon  
5 ROBERT J. McKENNON  
6 SCOTT E. CALVERT  
7 Attorneys for Defendant  
8 The Prudential Insurance Company of  
9 America  
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**ORDER**

The parties having stipulated as set forth above, and for good cause shown,

**IT IS SO ORDERED**

DATED: \_\_\_\_\_



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THE HONORABLE SUSAN ILLSTON  
UNITED STATES DISTRICT JUDGE