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 MORRISON & FOERSTER LLP LONG TERM DISABILITY PLAN

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 7
 8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 GORDON ERSPAMER

12 Plaintiff,

13 v.

14 MORRISON & FOERSTER LLP LONG TERM
 15 DISABILITY PLAN,

16 Defendant.

CASE NO. C08-04692 MMC

**STIPULATION AND ~~[PROPOSED]~~
 ORDER REGARDING STANDARD
 OF REVIEW AND DISCOVERY**

Gordon & Rees LLP
275 Battery Street, Suite 2000
San Francisco, CA 94111

1 The parties, by and through their counsel of record, hereby stipulate and agree that the *de*
2 *novus* standard of review applies to Plaintiff Gordon Erspamer's claim for long-term disability
3 benefits. The parties further stipulate and agree not to conduct discovery beyond the
4 administrative claim record, unless the Court instructs a party or the parties to address issues
5 outside the administrative claim record.

6 It is so stipulated.

7 DATED: February 19, 2009 LEWIS, FEINBERG, LEE, RENAKER &
8 JACKSON, P.C.

9
10 By: /s/ Daniel Feinberg
11 Daniel Feinberg
12 Nina Wasow.
13 Attorneys for Plaintiff
14 GORDON ERSPAMER

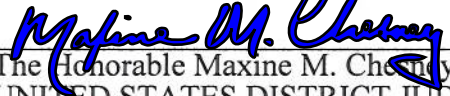
13 DATED: February 19, 2009 GORDON & REES LLP

15 By: /s/ Tad Devlin
16 Tad A. Devlin
17 Shannon L. Ross
18 Attorneys for Defendant
19 MORRISON & FOERSTER LLP LONG TERM
20 DISABILITY PLAN

21 **~~[PROPOSED]~~ ORDER**

22 Pursuant to the Stipulation above, the Court will review Plaintiff's claim for long-term
23 disability benefits *de novo* and no discovery will be permitted unless the Court instructs a party
24 or the parties to address issues outside the administrative claim record. Accordingly, the Court
25 vacates the March 13, 2009 deadline for Plaintiff to file his Motion on Standard of Review and
26 vacates the April 16, 2009 hearing on the motion.

27 IT IS SO ORDERED.

28 DATED: February 20, 2009

The Honorable Maxine M. Cheney
UNITED STATES DISTRICT JUDGE