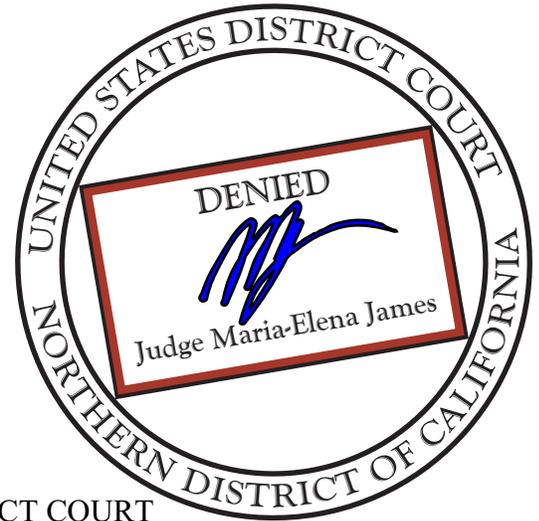


1 Michelle L. Roberts - CA STATE BAR NO. 239092
 2 Cassie Springer-Sullivan - CA STATE BAR NO. 221506
 3 SPRINGER-SULLIVAN & ROBERTS LLP
 4 410 - 12th Street, Suite 325
 5 Oakland, CA 94607
 Telephone: (510) 992-6130
 Facsimile: (510) 280-7564
 E-mail: css@ssrlawgroup.com
 mlr@ssrlawgroup.com

6 *Attorneys for Plaintiff*



7 UNITED STATES DISTRICT COURT
 8
 9 NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO

10 HANNA ZEWDU,)
 11)
 12)
 13)
 14)
 15)
 16)
 17)

Plaintiff,

vs.

CITIGROUP LONG TERM DISABILITY)
 PLAN,)
 Defendant.)

Case No. C 08-05770 MMC (MEJ)

**PLAINTIFF’S OBJECTION TO
 THE LATE-FILED DECLARATION
 OF REBECCA R. HULL IN
 SUPPORT OF OPPOSITION OF
 CITIGROUP LONG TERM
 DISABILITY PLAN**

Date: January 14, 2010
 Time: 10:00 a.m.
 Place: Courtroom B, 15th Floor
 Hon. Maria-Elena James

18 Plaintiff objects to the filing of the Declaration of Rebecca R. Hull, Docket Entry # 51 for the
 19 following reasons:

20 1. Defendant filed the Declaration of Rebecca R. Hull without court approval in
 21 violation of Civil Local Rule 7-3(d), which states in pertinent part, “once a reply is filed, no additional
 22 memoranda, papers or letters may be filed without prior Court approval.” Defendant did not seek court
 23 approval nor did counsel for Defendant seek any stipulation from Plaintiff’s counsel before unilaterally
 24 filing the declaration.

25 2. Ms. Hull’s claim that Ms. Sullivan’s physical location prevented her from faxing her
 26 signature is disingenuous at best. The Sullivan Declaration was said to be executed in Mt. Prospect, IL.
 27 Coincidentally, MetLife’s office, and presumably Ms. Sullivan’s workplace, is located at 1660
 28 Feehanville Drive, Mt Prospect, IL 60056-6014. As Plaintiff noted in her Reply brief, Ms. Sullivan

1 provided Ms. Hull with a declaration for another ERISA case involving a different disability plan. *See*
2 Reply at p. 1, FN 1. That declaration was also signed in Mt Prospect, IL, a location from where Ms.
3 Sullivan was previously able to provide Defendant's counsel with her signature. In this day and age of
4 advance technological developments, it is hard to believe that Ms. Sullivan did not have access to a fax
5 machine or scanner in the same location as her workplace for a large insurance company, but yet she was
6 able to communicate her authority to file the declaration to Ms. Hull in California.

7 3. Rebecca Hull's "explanation" for the late filing does not remedy Defendant's
8 violation of the ECF General Order, which states in pertinent part,

9 The filer shall attest that concurrence in the filing of the document has been obtained from each
10 of the other signatories, or from the single signatory (in the case, e.g., of a declaration) which
shall serve in lieu of their signature(s) on the document.

11 ECF General Order XB. Ms. Hull could have very easily filed her attestation on December 24, 2009 but
12 chose not to do so. Only after Plaintiff raised in the issue in her Reply brief did Defendant seek to obtain
13 an actual signature from Ms. Sullivan.

14 4. Ms. Hulls' claim that Ms. Sullivan's physical location prevented her from faxing the
15 signature is hearsay and lacks foundation. Because of the suspect nature of the late-produced signature,
16 Plaintiff requests that the Court order Defendant to produce all of the communications between
17 Defendant's counsel and Ms. Sullivan regarding her declaration.

18
19 For these reasons, Plaintiff requests that the Court sustain Plaintiff's objection and strike the
20 Declaration of Rebecca R. Hull filed on January 6, 2010 and the Declaration of Laura Sullivan.

21
22 Dated: January 6, 2010

Respectfully submitted,

Springer-Sullivan & Roberts LLP

23
24
25 By: /s/Michelle L. Roberts
Michelle L. Roberts