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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CINDA KROLL,

Plaintiff,

No. C 09-01404 JSW

v.

KAISER FOUNDATION HEALTH PLAN  
LONG TERM DISABILITY PLAN,

Defendant.

**ORDER VACATING HEARING  
ON CROSS-MOTIONS FOR  
SUMMARY JUDGMENT**

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The parties' cross-motions for summary judgment are currently set to be heard on June 25, 2010. However, there are outstanding discovery issues which preclude the Court from addressing these motions on a fully developed record. Defendant concedes in its reply brief that it has not yet produced the reports by Dr. Sloan that were ordered by Magistrate Judge Chen. Despite the fact that Judge Chen did not provide an explicit deadline, Defendants should have produced these documents, at a minimum, *before* Plaintiff's reply brief was due based on the parties' stipulation. The Court **HEREBY ORDERS** that Defendant shall produce the outstanding documents by no later than June 28, 2010. Moreover, Plaintiff contends that, despite the declaration of Laura Sullivan that there are no documents outside of the filed administrative record which fall into the categories ordered to be produced by the Court, there are relevant outstanding documents. To the extent that Plaintiff has a non-frivolous basis to file

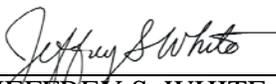
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a motion to hold Defendant in contempt for violating Judge Chen’s order, Plaintiff shall file her motion for contempt before Judge Chen by no later than July 6, 2010.

The Court will provide the parties an opportunity to submit a supplemental reply briefs and will reset the hearing on the parties’ cross-motions for summary judgment after the outstanding discovery issues have been resolved.

**IT IS SO ORDERED.**

Dated: June 22, 2010

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE