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11 Attorneys for Plaintiff
 Illiena Volynskaya

13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**

16 ILLIENA VOLYNSKAYA,

17 Plaintiff,

18 vs.

19 METROPOLITAN LIFE INSURANCE
 COMPANY, a corporation;
 20 EPICENTRIC, INC. HEALTH AND
 WELFARE PLAN, an ERISA plan;
 21 DOES 1 through 10 inclusive,

22 Defendants.

CASE NO.: 3:09-cv-02436-JSW

**JOINT STIPULATION TO
 CONTINUE THE MEDIATION
 COMPLETION DATE BY ELEVEN
 DAYS; [PROPOSED] ORDER
 THEREON**

Current Deadline: November 23, 2009
 Requested Deadline: December 4, 2009

Complaint Filed: June 2, 2009

1 TO THE HONORABLE JEFFREY S. WHITE AND HIS COURT CLERK:
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3 PLEASE TAKE NOTICE that Defendants Metropolitan Life Insurance
4 Company and Epicentric, Inc. Health and Welfare Plan (collectively, “Defendants”)
5 and Plaintiff Illiena Volynskaya (“Volynskaya”) (collectively, “Parties”), by and
6 through their respective counsel of record, hereby request a brief continuance of the
7 upcoming Mediation Completion Deadline, currently scheduled for November 23,
8 2009, to December 4, 2009. While the parties were previously scheduled to proceed
9 with court-appointed mediator Kim Zeldin on November 10, 2009, they had to briefly
10 postpone the mediation for the reasons listed below. Mediation is now scheduled to
11 be conducted on December 3, 2009 at 11:00 a.m.
12

13 GOOD CAUSE exists to grant this request because the parties are not yet in the
14 position to properly evaluate the case for a mediation. One reason is that Volynskaya
15 only recently received responses to the written discovery she propounded and is in
16 the process of evaluating whether the documents and information Defendants agreed
17 to provide are sufficient, or whether a motion to compel might be necessary. Further,
18 MetLife has yet to make a final determination on Volynskaya’s claim for ongoing
19 benefits (and even then, if the claim is denied, Volynskaya will need time to review
20 that decision). Accordingly, it will be difficult for the parties to engage in meaningful
21 settlement discussions until these tasks are completed.
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DATED: November 11, 2009

BARGER & WOLEN LLP

By: /s/ Robert K. Renner
ROBERT K. RENNER
SCOTT E. CALVERT
Attorneys for Defendants
Metropolitan Life Insurance Company and
Epicentric, Inc. Health and Welfare Plan

DATED: November 11, 2009

LAW OFFICES OF CHARLES FLEISHMAN

By: /s/ Paul Fleishman
CHARLES J. FLEISHMAN
PAUL FLEISHMAN
Attorneys for Plaintiff
Illiana Volynskaya

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ORDER

After considering the Joint Stipulation of the parties, by and through their respective counsel, to continue the November 23, 2009 Mediation Completion Deadline, good cause appearing, **IT IS HEREBY ORDERED** that the parties shall have up to and until December 4, 2009 to participate in Mediation for this case.

IT IS SO ORDERED.

DATED: November 12, 2009



THE HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE