

FILED

JUN - 1 2010

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

1 JULIAN M. BAUM (CA State Bar No. 130892)
2 LISA A. LAWRENCE (CA State Bar No. 132310)
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6 Attorneys for Plaintiff

8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA**

11 JAMES MCLEAN, M.D., an individual,)
12 Plaintiff,)
13 v.)
14 LIFE INSURANCE COMPANY OF NORTH)
15 AMERICA; THE PERMANENTE)
16 MEDICAL GROUP, INC. LONG TERM)
17 DISABILITY PLAN FOR PHYSICIANS)
18 Defendants.)

) Case No. C 09-03438 VRW

) CERTIFICATION PURSUANT TO ORDER
) OF DISMISSAL AND

) ~~proposed~~ **ORDER**

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1 **CERTIFICATION**

2 1. By Order dated February 18, 2010 the Court ordered this action dismissed with
3 prejudice following the parties' agreement to a settlement, provided, however, that if any party
4 shall certify to the Court, within ninety days, with proof of service of a copy thereof, that the
5 agreed consideration for said settlement has not been delivered over, the Court's order of
6 dismissal shall stand vacated and the cause forthwith be restored to the calendar to be set for
7 trial.

8 2. Plaintiff James McLean, by and through his undersigned counsel of record,
9 hereby certifies that the agreed consideration for said settlement has not yet been delivered over.

10 3. Plaintiff respectfully requests that the Court stay its Order of Dismissal dated
11 February 18, 2010 for ten days from the date of this Certification, *i.e.*, through May 27, 2010.
12 Plaintiff respectfully undertakes to file, on May 27, 2010, a further Certification if the agreed
13 consideration for said settlement has not been delivered over by that date.

14 Dated: May 17, 2010

Respectfully Submitted,
JULIAN M. BAUM & ASSOCIATES

15
16 by /s/ by Julian M. Baum
17 JULIAN M. BAUM
18 Attorneys for Plaintiff

19 **ORDER**

20 The above Certification having been presented to the Court, **IT IS ORDERED** as follows:

- 21 1. The Court's Order of Dismissal dated February 18, 2010 is hereby stayed through
22 May 27, 2010;
23 2. On May 27, 2010, if the agreed consideration for the above-referenced settlement has not
24 been delivered over by that date, plaintiff shall file and serve a further Certification to
25 that effect, and the Order of Dismissal shall stand vacated and this cause shall forthwith
26 be restored to the calendar to be set for trial.

27 **IT IS SO ORDERED.**

28 Dated: May 28, 2010



VAUGHN R. WALKER
UNITED STATES DISTRICT CHIEF JUDGE