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2			
4	410 - 12 th Street, Suite 325 Oakland, CA 94607		
5	Tel: 510.992.6130 Fax: 510.280.7564		
6	Attorneys for Plaintiff		
7			
8	IN THE UNITED STATES DISTRICT COURT		
9	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
10			
11	ANDREW VARGAS,	Case No. 09-03972 (CRB)	
12	Plaintiff, vs.	JOINT STIPULATION AND PROPOSED ORDER TO PERMIT	
13	Y 5.	PLAINTIFF TO FILE AN AMENDED COMPLAINT	
14	BP CORPORATION OF NORTH AMERICA, INC. LONG TERM DISABILITY PLAN;))	
15	CIGNA GROUP INSURANCE,		
16	Defendants.		
17			
18	WHEREAS on August 27, 2009, Plaintiff filed his complaint in this Court alleging a		
19	claim for disability benefits pursuant to ERISA § 502(a)(1)(B); and		
20	WHEREAS by letter dated October 19, 2009, Defendant CIGNA determined that		
21	Plaintiff was entitled to disability benefits, retroactive to May 14, 2007; and		
22	WHEREAS Defendant CIGNA further determined that as of August 2009 it was entitled		
23	to offset Mr. Vargas's disability benefit by pension benefits, reducing his net monthly disability		
24	benefit to \$100; and		
25	WHEREAS Plaintiff does not agree that an offset for pension benefits is appropriate; and		
26	WHEREAS Defendants filed an Answer to the Complaint on November 11, 2009;		
27	NOW, THEREFORE, the parties, by and through their attorneys of record, hereby		
28	stipulate and respectfully request that the Court permit Plaintiff to file a First Amended		
	STIPULATION TO PERMIT PLAINTIFF TO FILE AN AMENDED COMPLAINT Case No. 09-03972 (CRB) Page 1		

1	Complaint in light of the facts that developed subsequent to the filing of the Complaint		
2			
3	Dated: November 20, 2009		Respectfully submitted,
4			SPRINGER-SULLIVAN & ROBERTS LLP
5		By:	/s/
6		Dy.	Cassie Springer-Sullivan Attorneys for Plaintiff
7			J J
8	Dated: November 20, 2009		WILSON ELSER MOSKOWITZ
9			EDELMAN & DICKER LLP
10		By:	/s/
11 12			Shilpa Doshi Attorneys for Defendants
13	PURSUANT TO STIPULATION, IT IS	SO OR	DERED
14	TORSOTATIO STITULITIES, IT IS		THOUSE
15	Date: November 23, 2009	The H	Ionoral Revenue
16		Unite	d States District IN SO ORDERED
17			
18			Judge Charles R. Breyer
19			
20			DISTRICT OF CE
21			TOTRIE
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25			
26			
27			
28	STIPULATION TO PERMIT PLAINTIFF TO FIL	E ANI ANA	IENDED COMPLAINT
	Case No. 09-03972 (CRB)	EAN AM	Page 2