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7  
 8 IN THE UNITED STATES DISTRICT COURT  
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11	ANDREW VARGAS,	)	Case No. 09-03972 (CRB)
12	Plaintiff,	)	<b>JOINT STIPULATION AND PROPOSED ORDER TO PERMIT PLAINTIFF TO FILE AN AMENDED COMPLAINT</b>
13	vs.	)	
14	BP CORPORATION OF NORTH AMERICA,	)	
15	INC. LONG TERM DISABILITY PLAN; 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)

