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Attorneys for Defendant
Unum Life Insurance Company of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LOUIS WILKINS,

Plaintiff,

vs.

UNUM LIFE INSURANCE COMPANY
OF AMERICA; HSBC NORTH
AMERICA HOLDINGS, INC. LONG
TERM DISABILITY PLAN,

Defendants.

Case No. 3:10-02940 JSW (BZ)

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE PLAINTIFF'S
DEADLINE TO FILE A MOTION FOR
ATTORNEYS' FEES AND COSTS**

1 WHEREAS:

2 1. On September 24, 2013, the Court issued findings of fact and conclusions of law,
3 and entered judgment in plaintiff's favor (Docket Nos. 53-54);

4 2. On October 21, 2013, the Court clarified that the portion of its findings of fact and
5 conclusions of law determining that plaintiff was not entitled to attorney's fees and costs was
6 without prejudice, and that plaintiff was allowed to file a properly noticed and supported motion
7 for such fees and costs (Docket No. 63);

8 3. Pursuant to the Court's October 4, 2013 stipulated order, plaintiff's deadline to
9 file such a motion is 30 days from the Court's October 21, 2013 order, or November 20, 2013
10 (Docket No. 60);

11 4. The parties have attended two mediations during this litigation, one before a
12 private mediator and one before Magistrate Judge Zimmerman;

13 5. Those mediations addressed numerous issues, including not only the benefits at
14 issue in this action, but benefits being paid by defendant under another policy of insurance;

15 6. The parties have met and conferred and believe that, given the Court's recent
16 ruling this case, it would be productive for the parties to revisit those discussions in order to
17 discuss the potential for globally settling the multiple claims at issue between the parties,
18 including both sets of plaintiff's benefits as well as plaintiff's claim for attorney's fees and costs;
19 and

20 7. The parties are currently attempting to schedule a new mediation, but cannot
21 feasibly do so prior to November 20, 2013, i.e., plaintiff's current deadline to file his motion for
22 attorney's fees and costs.

23
24 Thus, IT IS HEREBY STIPULATED by and between plaintiff Louis Wilkins and
25 defendant Unum Life Insurance Company of America ("Unum"), through their attorneys of
26 record, that the Court stay this litigation, thereby continuing plaintiff's deadline to file his
27 motion for attorney's fees and costs pursuant to Federal Rule of Civil Procedure 54, until such
28 time as the parties have been able to complete the aforementioned mediation. The parties agree

1 that they will advise the Court of the outcome of the mediation as soon as it is completed. While
2 the upcoming holidays in conjunction with the fact that UNUM's authorized representative
3 resides in Chattanooga, Tennessee, may delay the parties ability to attend an in person
4 mediation, the parties anticipate taking part in such a mediation no later than the middle of
5 January 2014.

6
7 DATED: November 13, 2013

KANTOR & KANTOR, LLP

8 By: /s/ Glenn R. Kantor
9 Glenn R. Kantor
10 Attorneys for Plaintiff
Louis Wilkins

11 DATED: November 13, 2013

WILSON, ELSER, MOSKOWITZ,
12 EDELMAN, & DICKER LLP

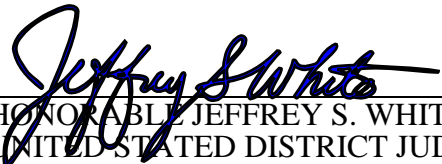
13 By: /s/ Francis Torrence
14 Francis Torrence
15 Attorneys for Defendant
Unum Life Insurance Company of America
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ORDER

Based on good cause having been shown, IT IS HEREBY ORDERED that this action is stayed, and therefore plaintiff's deadline to file his motion for attorney's fees and costs pursuant to Federal Rule of Civil Procedure 54 is indefinitely continued. The parties will advise the Court of the outcome of their scheduled mediation as soon as it is completed.

IT IS SO ORDERED.

DATED: November 14, 2013


HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE