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 7 LIFE INSURANCE COMPANY OF NORTH AMERICA

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

11 ALAN POMERANTZ,
 12 Plaintiff,
 13 v.
 14 LIFE INSURANCE COMPANY OF NORTH
 AMERICA,
 15 Defendant,

Case No.: C-11-0652 MMC DMR

**STIPULATION OF THE PARTIES TO
 EXTEND TIME TO PRESENT ANY
 DISCOVERY DISPUTE TO THE COURT;
 PROPOSED ORDER**

17 The undersigned counsel of record for plaintiff Alan Pomerantz (“plaintiff”) and defendant
 18 Life Insurance Company of North America (“defendant”) (collectively “the parties”) hereby enter
 19 into the following stipulation to extend the time to present discovery issues in this matter to the Court:

INTRODUCTION

21 On July 22, 2011, Magistrate Judge Donna M. Ryu issued an order requiring that the parties
 22 file a Resolution of Discovery Disputes letter addressing discovery disputes with the Court by August
 23 5, 2011. Plaintiff has served discovery in this matter and defendant disputes plaintiff’s right to
 24 undertake this discovery. It will take the parties a significant amount of time to properly brief the
 25 issues regarding this discovery dispute in light of the fact that this matter is governed by the
 26 Employee Retirement Income Security Act of 1974 (“ERISA”) and is subject to de novo review.

27 The parties also have begun serious settlement discussions. The parties do not want to invest
 28 the time briefing and adjudicating this discovery dispute until these settlement discussions are

1 exhausted. The parties believe that delaying the briefing and adjudication of this discovery dispute
2 will help facilitate settlement.

3 **STIPULATION**

4 Accordingly, based on the facts set forth above, the parties hereby stipulate to the following:

5 The parties have until August 26, 2011 to file with Judge Ryu the Resolution of Discovery
6 Disputes letter required in her order of July 22, 2011. The parties hereby jointly request that the
7 Court modify its order of July 22, 2011 to adopt this new deadline for the submission of the
8 Resolution of Discovery Dispute letter in this matter.

9
10 Date: August 4, 2011 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

11
12 By: /s/ Sean P. Nalty
13 SEAN P. NALTY
14 SHIVANI NANDA
Attorneys for Defendant
LIFE INSURANCE COMPANY OF NORTH AMERICA

15 Date: August 4, 2011 ERISA LAW GROUP

16
17 By: /s/ Thornton Davidson
18 THORNTON DAVIDSON
Attorneys for Plaintiff
ALAN POMERANTZ

19 **ORDER**

20 Based on the stipulation set forth above, and GOOD CAUSE appearing therefore, the Court
21 hereby modifies its order of July 22, 2011 to require that the submission of the Resolution of
22 Discovery Disputes letter in this matter be filed with the Court on or before August 26, 2011.

23
24 Date: August 5, 2011

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26 _____
27 DONNA M. RYU, UNITED STATES
28 MAGISTRATE JUDGE