

1 SEAN P. NALTY, ESQ. (State Bar No. 121253)
sean.nalty@wilsonelser.com
 2 SHIVANI NANDA, ESQ. (State Bar No. 253891)
shivani.nanda@wilsonelser.com
 3 WILSON, ELSER, MOSKOWITZ,
 EDELMAN & DICKER LLP
 4 525 Market Street, 17th Floor
 San Francisco, California 94105-2725
 5 Telephone: (415) 433-0990
 Facsimile: (415) 434-1370

6 Attorneys for Defendant
 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

**SECOND STIPULATION OF THE PARTIES
 TO EXTEND TIME TO PRESENT ANY
 DISCOVERY DISPUTE TO THE COURT;
 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. Based on the stipulation of the parties, the Court extended this date to August 26, 2011.

24 As noted in the prior stipulation, plaintiff has served discovery in this matter and defendant
 25 disputes plaintiff’s right to undertake this discovery. It will take the parties a significant amount of
 26 time to properly brief the issues regarding this discovery dispute in light of the fact that this matter is
 27 governed by the Employee Retirement Income Security Act of 1974 (“ERISA”) and is subject to de
 28 novo review.

1 The parties continue to have serious settlement discussions that should be concluded within
2 the next two weeks at most. The parties do not want to invest the time briefing and adjudicating this
3 discovery dispute until these settlement discussions are exhausted. The parties believe that delaying
4 the briefing and adjudication of this discovery dispute will help facilitate settlement.

5 **STIPULATION**

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

7 The parties have until September 9, 2011 to file with Judge Ryu the Resolution of Discovery
8 Disputes letter required in her order of July 22, 2011. The parties hereby jointly request that the
9 Court modify its order of July 22, 2011 to adopt this new deadline for the submission of the
10 Resolution of Discovery Dispute letter in this matter.

11
12 Date: August 23, 2011 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

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

16 Date: August 23 2011 ERISA LAW GROUP

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

20 **ORDER**

21 Based on the stipulation set forth above, and GOOD CAUSE appearing therefore, the Court
22 hereby modifies its order of July 22, 2011 to require that the submission of the Resolution of
23 Discovery Disputes letter in this matter be filed with the Court on or before September 9, 2011.

24
25 Date: 8/25/2011



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