1	[Counsel listed on signature page]					
2						
3						
4						
5						
6						
7						
8	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA					
9						
10						
11	THOMAS A. GONDA, JR., M.D., an individual,) Case No. CV 11-01363	SC			
12	vs.) STIPULATION ADVIS				
13	THE PERMANENTE MEDICAL GROUP,) ARBITRATION RESO) CONTINUING STAY I	LUTION AND FOR ADMINISTRATIVE			
14	INC. in its capacity as Plan Administrator; THE PERMANENTE MEDICAL GROUP,) APPEAL AND [Propose) ORDER	ed]			
15	INC. LONG TERM DISABILITY PLAN FOR PHYSICIANS,)				
16)				
17	Defendants.)				
18)				
19		<u></u>				
20						
21	///					
22						
23	///					
24						
25						
26						
27	Stipulation Advising Court of Arbitration Resolution, etc. And Proposed Order	Page 1 of 5	Case No. CV 11-0163 SC			
28						

The parties respectfully submit the following Stipulation and [Proposed]

Order thereon: advising the Court of the arbitration resolution and requesting a further stay of proceedings in order for Plaintiff to complete, and defendants to consider, an administrative appeal of the termination of Dr. Gonda's long term disability benefits.

- 1. This action arises from defendants' decision to terminate payment of disability insurance benefits to plaintiff Thomas A. Gonda, Jr., M.D., as of October 7, 2010.
- 2. Plaintiff filed suit in this Court on March 22, 2011, seeking an order directing defendants to produce Dr. Gonda's claim file and other documents and information and thereafter to allow him to complete an administrative appeal of the termination of long term disability benefits under the applicable ERISA regulation, 29 C.F.R. §2560.503-1.
- 3. Plaintiff Dr. Gonda also initiated an arbitration proceeding against his former employer, The Permanente Medical Group, Inc. ("TPMG") and the Kaiser Foundation Hospitals, seeking reinstatement of his employment and/or other relief. In this action, TPMG is sued (only) in its capacity as the Plan Administrator of the defendant ERISA Plan, which is known as The Permanente Medical Group, Inc. Long Term Disability Plan For Physicians (the "ERISA Plan"). Neither the ERISA Plan nor its insurer, Life Insurance Company of North America ("LINA"), was a party to the arbitration. However, the interests of the ERISA Plan and LINA were potentially affected by the outcome of the arbitration.
- 4. On September 8, 2011, at plaintiff's request and without objection by defendants, the Court stayed this action pending final resolution of the arbitration proceedings.
- 5. According to plaintiff, the arbitration proceedings have been concluded by a confidential settlement and that settlement has been consummated. Defendants have agreed that they will permit Dr. Gonda to complete an administrative appeal of the termination of his disability benefits before further proceedings in this Court. Defendants have stated and represent that they have produced to plaintiff complete copies of any and all documents and information to which he is entitled under ERISA and its implementing federal regulations.

1	6.	Plaintiff has agreed t	o submi	t his administrative a	ppeal to LINA within
2	sixty (60) days of entry of the below Order.				
3	7.	7. The parties further agree to an additional stay of this litigation for one			
4	hundred and twenty (120) days in order to allow a determination to be made on Plaintiff's				
5	administrative appea	1.			
6	8.	This stipulation is a	matter o	f agreement between	the parties and
7	Defendants do not agree that Plaintiff shall be deemed a prevailing party in this action based on			in this action based on	
8	this stipulation and a	greement.			
9				Respectfully submit	tted,
10	Dated: April 19, 201	2		JULIAN M. BAUM	1 & ASSOCIATES
11					_
12			by		
13				Julian M. Baum (C. Lisa A. Lawrence (A Bar No. 130892) CA Bar No. 132310)
14				JULIAN M. BAUM	· · · · · · · · · · · · · · · · · · ·
				9 Tenaya Lane	04047
15				Novato, California 9 Telephone: (415) 9	
16				Facsimile: (888) 4	52-3849
17				E-mail: JMB@J	MBLawGroup.com
18				Attorneys for Plaint	tiff,
19				THOMAS A. GON	DA, JR., M.D.
20	Dated: April 19, 201	2		WILSON, ELSER,	MOSKOWITZ.
21					& DICKER LLP
22			By:	/s/ by Charan M	. Higbee
23			Dy.		over (SB No. 161432)
				Charan M. Higbee (WILSON, ELSER,	
24				EDELMAN & DIC 525 Market Street -	
25				San Francisco, Cali	fornia 94105-2725
26				Telephone: (415) 4	33-0990
27	Stipulation Advising Co Resolution, etc. And Pr		Page	3 of 5	Case No. CV 11-0163 SC
20	i				

I	
1	Facsimile: (415) 434-1370 Email: Charan.Higbee@Wilsonelser.com
2	Attorneys For Defendants,
3	THE PERMANENTE MEDICAL GROUD INC. In Its Capacity As Plan Administrato
4	THE PERMANENTE MEDICAL GROUI INC. LONG TERM DISABILITY
5	PLAN FOR PHYSICIANS
6	
7	[PROPOSED ORDER SET FORTH ON NEXT PAGE]
8	
9	DECLARATION RE CONCURRENCE OF SIGNATORIES
10	UNITED STATES DISTRICT COURT, N.D. CAL. GENERAL ORDER 45
11	The undersigned ECF filer hereby attests that concurrence in the filing of the
12	foregoing document has been obtained from each of the other signatories whose signature is indicated by the notation "/s/ [name of signatory]."
13	I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.
14	Dated: April 27, 2012 /s/ Julian M. Baum
15	Julian M. Baum
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
- 1	

Stipulation Advising Court of Arbitration Resolution, etc. And Proposed Order

Page 4 of 5

Case No. CV 11-0163 SC

1		[Proposed]			
2		ORDER			
3					
4		The parties having stipulated as set forth above, IT IS ORDERED as follows:			
5	1.	The Court's stay of this action is continued for one hundred and twenty (120) days from			
6		the date of entry of this Order;			
7	2.	. Plaintiff shall submit to defendants his administrative appeal of the termination of his			
8		disability benefits within sixty (60) days of entry of this Order; and			
9	4.	4. Defendants shall perform a full and fair review of plaintiff's appeal in accordance with			
10		the applicable provisions of the Employee Retirement Income Security Act of 1974			
11		("ERISA"), 29 U.S.C. §§1001 et seq., and its implementing federal regulations.			
12					
13		IT IS SO ORDERED.			
14	D (1	May 1, 2012			
15	Dated:	April, 2012 SAMU IT IS SO ORDERED SAMU IT IS SO ORDERED			
16		UNITH Judge Samuel Conti			
17					
18		THERN DISTRICT OF COM			
19					
20					
21					
22					
23					
24					
25					
26					