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UNITED STATES DISTRICT COURT
For the Northern District of California

UNITED STATES DISTRICT COURT
Northern District of California
San Francisco Division

LORI SMITH,

No. C 11-03495 LB

Plaintiff,

**ORDER DIRECTING THE PARTIES
TO FILE A PROPOSED JUDGMENT**

v.

HARTFORD LIFE & ACCIDENT,

Defendant.

Plaintiff Lori Smith brought this action under the Employee Retirement Income Security Act (“ERISA”), 29 U.S.C. §§ 1001-1461, against defendant Hartford Life and Accident Insurance Company (“Hartford”) seeking reinstatement of her life insurance waiver of premium benefit. Complaint, ECF No. 1 at 14.¹ On January 28, 2012, the court held a one-day “bench trial on the record.” in this case. *See Kearney v. Standard Ins. Co.*, 175 F.3d 1084, 1095 (9th Cir. 1999).

After considering the administrative record, the parties’ trial briefs, and the arguments that the parties made during the bench trial, the court concluded on January 30, 2013 that Hartford abused its discretion when it terminated Ms. Smith’s waiver of life insurance premium benefit and ordered Hartford to reinstate it retroactively to March 31, 2010. *See Findings of Fact and Conclusions of Law*, ECF No. 47. The court also directed the parties to meet and confer regarding any reasonable

¹ Citations are to the Electronic Case File (“ECF”) with pin cites to the electronically-generated page numbers at the top of the document.

1 attorney's fees and costs that should be awarded. *Id.* at 37. On March 1, 2013, the parties notified
2 the court that they reached an agreement regarding attorney's fees and costs. Notice, ECF No. 48 at
3 1.

4 With this in mind, the court now **DIRECTS** the parties to meet and confer and to file, within 14
5 days from the date of this order, a proposed final judgment that conforms to the court's Findings of
6 Fact and Conclusions of Law.

7 **IT IS SO ORDERED.**

8 Dated: March 5, 2013



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10 LAUREL BEELER
11 United States Magistrate Judge

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