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 13 DEBRA J. EISNER

14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**

17 DEBRA J. EISNER,)	Case No. CV12-1238 JST
18)	
Plaintiff,)	JOINT REPORT AND
19)	STIPULATION AND [proposed]
vs.)	ORDER
20)	
21 THE PRUDENTIAL INSURANCE)	
22 COMPANY OF AMERICA; SURGICAL)	
23 CARE AFFILIATES LONG TERM)	
DISABILITY PLAN; SURGICAL CARE)	
AFFILIATES, in its capacity as Plan)	
Administrator,)	
24)	
Defendant.)	

25
 26 1. This is an action for disability insurance benefits and related relief under the
 27 Employee Retirement Income Security Act of 1974 (“ERISA”).
 28

1 2. By Judgment dated March 12, 2014, the Court ruled that Plaintiff Debra
2 Eisner was entitled to recover her disability insurance benefits for the period from
3 September 11, 2010 to September 10, 2012 and remanded plaintiff's claim for benefits to
4 the Plan and its claims administrator for determination, within 90 days of the Court's
5 January 22, 2014 Order of benefits due, if any for the period after September 10, 2012.
6 Docket No. 71.

7 3. The Court's Judgment directed the parties to file by April 30, 2014 a Joint
8 Report informing the Court whether the matter has been resolved; to meet and confer
9 regarding the amount, if any of plaintiff's recovery of reasonable attorneys' fees and costs;
10 and to submit, by April 30, 2014, an appropriate proposed order for the Court's
11 consideration or, if the parties are unable to agree upon a proposed order, Plaintiff's motion
12 for recovery of reasonable attorneys' fees and bill of costs under Fed. R. Civ. P. 54 and
13 Civil Local Rule 54. Docket No. 71.

14 4. The parties have engaged in meaningful settlement discussions regarding the
15 unresolved issues, and continue to do so. The parties respectfully request that the Court
16 extend the deadlines set forth in the Court's judgment and described in the preceding
17 paragraph. A proposed Order is set forth below, and respectfully submitted for the Court's
18 consideration.

19 Dated: April 24, 2014

Respectfully submitted,

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MESERVE, MUMPER & HUGHES LLP

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By: /S/ Cindy Mekari

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Cindy Mekari

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Attorneys for Defendant

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THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA

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Dated: April 24, 2014

JULIAN M. BAUM & ASSOCIATES

26

By: /S/ Julian M. Baum

27

Julian M. Baum

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Attorneys for Plaintiff

DEBRA J. EISNER

1 ~~proposed~~ ORDER

2
3 The parties having stipulated as set forth above, **IT IS SO ORDERED AS**
4 **FOLLOWS:**

5 The parties shall file, by **July 25, 2014**, a joint report to the Court stating
6 whether the matter has been resolved. If the parties' report states that the matter has
7 been resolved, the Clerk shall be directed to close the Court's file. Otherwise, the
8 Clerk shall schedule a Case Management Conference.

9 The parties shall meet and confer regarding the amount, if any, of Plaintiff's
10 recovery of reasonable attorneys' fees and costs and shall submit, by **July 25, 2014**,
11 an appropriate order for the Court's consideration. If the parties are unable to agree
12 upon a proposed order, then Plaintiff shall file, by **July 25, 2014**, her motion for
13 recovery of reasonable attorneys' fees and her bill of costs under Fed. R. Civ. P. 54
14 and Civil Local Rule 54.

15 **IT IS SO ORDERED.**

16 Dated: April 28, 2014

