

1 Scott Kalkin 120791  
**ROBOOSTOFF & KALKIN**  
 2 A Professional Law Corporation  
 369 Pine Street, Suite 820  
 3 San Francisco, California 94104  
 (415) 732-0282  
 4 Attorney for Plaintiff Richard Trecartin

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 9 IN THE UNITED STATES DISTRICT COURT  
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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12 Richard Trecartin, )  
 13 Plaintiff, )  
 14 v. )  
 15 UNUM Life Insurance Company of )  
 America, and Provident Life and )  
 16 Accident Insurance Company, )  
 17 Defendants. )

ACTION NO.: C 13-05024 NC  
**EX PARTE APPLICATION  
 AND ~~PROPOSED~~ ORDER  
 TO CONTINUE CASE  
 MANAGEMENT CONFERENCE  
 AND RELATED DEADLINES  
 AS MODIFIED**

18 I, Scott Kalkin, counsel for plaintiff in the above-referenced matter, hereby make the  
 19 following *ex parte* application to the Court.

- 20 1. This is an ERISA long term disability case in which the Court had set the initial case  
 21 management conference for January 29, 2014.  
 22 2. The complaint in this matter was filed on October 29, 2013.  
 23 3. On October 30, 2013, plaintiff's counsel received a call from Marybeth Fougere, in-  
 24 house counsel for both of the defendants in this matter. She informed me that she had  
 25 become aware that suit in this matter had been filed.  
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1           4. During the course of our conversation we discussed whether it would be worthwhile  
2 to attempt to resolve this matter without the necessity of service of the complaint or defendants  
3 incurring the cost of retaining outside counsel. We agreed to attempt to do so.

4           5. As such, I filed a request that the Court continue the case management conference  
5 until March 26, 2014. That request was granted on January 21, 2014.

6           6. A second request to continue the case management conference to May 28, 2014,  
7 was granted on March 18, 2014, and a third request was filed on May 22, 2014, and granted  
8 the following day.

9           7. On July 9, 2014, plaintiff's counsel appeared before the Court in response to an  
10 order to show cause it issued. At the hearing, the Court ordered that plaintiff's deadline to  
11 serve defendants was extended until September 10, 2014.

12           8. Since counsel's last court appearance the parties have continued their negotiations.  
13 As noted on counsel's last report to the Court, during the course of defendants' counsels'  
14 review of certain financial information provided to her by plaintiff's counsel, a request for  
15 additional financial information was made, which plaintiff has now provided. Based upon  
16 discussions with defendants' in-house counsel that took place last week, plaintiff expects to  
17 receive a settlement offer within the next few days, once defendants' CPA finishes a review  
18 of the information provided.

19           9. In compliance with the Court's Order, defendants were presented with a waiver of  
20 service of process, which both defendants have executed. Those waivers were filed with the  
21 Court on September 2, 2014. (See Dk #'s 17 and 18.)

22           10. Defendants' response to the complaint is currently due on or before, October 27,  
23 2014.

24           11. Given the parties' desire to continue their settlement discussions prior to  
25 defendants having to file a response to the complaint, it is requested that the case  
26 management conference and associated dates be continued for approximately sixty (60) days.

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