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8 Attorneys for Defendant LIBERTY LIFE ASSURANCE COMPANY OF BOSTON

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 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
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14	JOSE DAGUNA,)	15-cv-0905 EMC
15)	
16	Plaintiff,)	STIPULATION RE: STANDARD
17	vs.)	OF REVIEW & PROPOSED
18	LIBERTY LIFE ASSURANCE)	ORDER
19	COMPANY OF BOSTON,)	
20	Defendant)	

21 This action arises from the termination of plaintiff Jose Daguna’s claim for long-term
 22 disability (“LTD”) benefits under The Safeway Inc. Welfare Benefits Plan (“the Plan”). The
 23 Plan is an employee welfare benefit plan governed by the Employee Retirement Income
 24 Security Act of 1974, 88 Stat. 829, as amended, 29 U.S.C. §1001 et seq. (“ERISA”). LTD
 25 benefits under the Plan are insured by a Group Disability Income Policy that defendant Liberty
 26 Life Assurance Company of Boston (“Liberty”) issued to Safeway, Inc., the sponsor of the Plan
 27 and plaintiff’s former employer.

28 On November 17, 2015, counsel for Plaintiff and Liberty appeared for a Case

1 Management Conference before the Honorable Edward M. Chen. At that time, the Court set for
2 hearing on July 28, 2016 the parties cross-motions for partial summary judgment on the issue
3 of the standard of review to be applied by the Court.

4 The parties hereby stipulate and agree, by and through their counsel of record in this
5 action, that de novo review is the appropriate standard of review in this case. The cross-
6 motions for summary judgment are therefore moot. Accordingly, the parties respectfully
7 request that the briefing schedule and hearing on the parties' cross-motions for partial summary
8 judgment be vacated and dropped from the calendar in this case.

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12 Dated: May 18, 2016

By: /s/ Tony Arjo
 TONY ARJO

13 Attorney for Plaintiff JOSE DAGUNA

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15 Dated: May 18, 2016

ROPERS, MAJESKI, KOHN & BENTLEY

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18 By: /s/ Robert M. Forni, Jr.
 ROBERT F. FORNI, JR.

19 Attorney for Defendant LIBERTY LIFE
20 ASSURANCE COMPANY
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ORDER

Pursuant to the parties’ Stipulation, the court hereby finds good cause to VACATE as moot the hearing and related briefing schedule concerning the parties’ cross-motion for partial summary judgment re: standard of review, currently set for hearing on July 28, 2016.

IT IS SO ORDERED:

Dated: May 20, 2016



EDWARD M. CHEN
UNITED STATES DISTRICT JUDGE

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