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21 Attorneys for Defendants

22 RadNet Employee Benefit Plan

23 RadNet Management, Inc.

24 **UNITED STATES DISTRICT COURT**
25 **NORTHERN DISTRICT OF CALIFORNIA**

26 GLENN M. STROME, M.D.,

27 Plaintiff,

28 v.

RADNET EMPLOYEE BENEFIT PLAN;

RADNET MANAGEMENT, INC., in its

capacity as designated Plan Administrator,

Defendants.

) Case No. 3:16-cv-01242-WHO

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STIPULATION AND ORDER:

- 1. STAYING THE ACTION; AND
- 2. SETTING DATE FOR REPORT TO THE COURT BY THE PARTIES

Bench Trial: November 30, 2016
Courtroom of Hon. William H. Orrick
United States District Judge

The parties stipulate, and respectfully request that the Court order, as follows:

1 1. This is an action for recovery of disability benefits and related relief under the
2 Employee Retirement Income Security Act, 29 U.S.C. Sections 1001 *et seq.* (“ERISA”).

3 2. The case is currently scheduled for trial to the Court on or about November 30,
4 2016, by way of cross-motions for summary judgment. Docket No. 23.

5 3. There has been no settlement of the action. However, defendants have reversed
6 the denial of plaintiff’s benefits claim and are currently paying the benefits on a current basis.

7 4. Defendants have reserved their rights to reassess plaintiff’s eligibility for
8 benefits as of January 29, 2017, which date is the end of an initial 24-month benefit period,
9 after which date different and additional terms of the disability insurance policy may apply to
10 plaintiff’s benefits claims. Defendants have not yet made that determination as required under
11 ERISA.

12 6. Accordingly, the parties respectfully request that the Court stay this action as set
13 forth in the proposed Order below, and direct that the parties shall report to the Court by
14 March 6, 2017, whether any further issues remain for determination by the Court, whether the
15 parties request a further Case Management Conference, or whether the action may be dismissed.

16 DATED: October 24, 2016

Respectfully submitted,

JULIAN M. BAUM & ASSOCIATES

KANTOR & KANTOR LLP

17 By: /s/ by Julian M. Baum
18 Julian M. Baum
19 Attorneys for Plaintiff
20 Glenn M. Strome, M.D.

21 DATED: October 25, 2016

WILSON, ELSER, MOSKOWITZ
EDELMAN & DICKER LLP

22 By: /s/ by Donald P. Sullivan
23 Donald P. Sullivan
24 Attorneys for Defendants
25 RadNet Employee Benefit
26 Plan; RadNet Management, Inc.

27 **[proposed order on next page]**
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ORDER


The parties having stipulated as set forth above, IT IS HEREBY ORDERED AS FOLLOWS:

1. The action is hereby stayed, in its entirety, pending further order of this Court scheduling a further Case Management Conference or otherwise;

2. The parties shall report to the Court in writing, by Monday, March 6, 2017, whether any further issues remain for determination by the Court, whether the parties request a further Case Management Conference, or whether the action may be dismissed.

IT IS SO ORDERED.

Dated: October 26, 2016


WILLIAM H. ORRICK
UNITED STATES DISTRICT JUDGE