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12 Attorneys for Defendant  
 Life Insurance Company of North America

13  
 14 **UNITED STATES DISTRICT COURT**  
 15 **NORTHERN DISTRICT OF CALIFORNIA**  
 16 **SAN FRANCISCO DIVISION**

18 EDWARD ELLIOTT,  
 19 Plaintiff,  
 20 v.  
 21 LIFE INSURANCE COMPANY OF  
 NORTH AMERICA,  
 22 Defendant.

Case No. 3:16-cv-01348-MMC

**STIPULATION FOR REQUEST  
 FOR STAY PENDING LINA'S  
 RECONSIDERATION OF ERISA  
 CLAIM; (~~PROPOSED~~) ORDER**

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 24  
 25 Plaintiff Edward Elliott and Defendant Life Insurance Company of North  
 26 America ("LINA"), through counsel, hereby stipulate and request a stay of the case  
 27 pending LINA's reconsideration of Plaintiff's long-term disability claim based on  
 28 the following:

1           1. On March 8, 2017, Plaintiff's counsel forwarded LINA's counsel a  
2 Notice of Award from the Social Security Administration dated February 26, 2017  
3 granting Social Security disability benefits to Plaintiff.<sup>1</sup> Based on this new  
4 information, LINA has offered Plaintiff its reconsideration of his long term  
5 disability claim with the SSA decision, which Plaintiff has accepted without waiver  
6 of his claim, if any, to attorneys' fees.

7  
8           2. LINA will start its reconsideration of Plaintiff's claim once Plaintiff  
9 confirms that all documents Plaintiff desires to submit for its reconsideration have  
10 been provided or confirms there are no additional documents that will be submitted  
11 for LINA's review.

12  
13           3. Accordingly, the parties respectfully request the Court order a stay on  
14 this case pending LINA's reconsideration of the claim. Good cause exists for the  
15 stay as it will save the parties and the Court judicial resources and allow LINA the  
16 opportunity for the claim to be reconsidered with the new Social Security award.

17  
18           4. The parties request that in light of stay request, the Court vacate the  
19 following Motion for Judgment briefing and hearing dates:

20           Plaintiff's Motion for Judgment: April 7, 2017

21           Defendant's Opposition /Cross Motion: May 5, 2017

22           Plaintiff's Reply/Opposition to Cross-Motion: May 26, 2017

23           Defendant's Reply to Cross-Motion: June 16, 2017

24           Hearing on Cross-Motions for Judgment: July 21, 2017 at 9:00 a.m.

25           [See Dkt. 39.]

26  
27 <sup>1</sup> During the appeal process, LINA requested information regarding Plaintiff's  
28 Social Security Disability claim as part of its review and was informed Plaintiff had  
not been awarded SSDI benefits.

1           5. The parties will submit a joint status report within 60 days of the entry of  
2 the Court's Order granting the stay.

3  
4           6. Each party reserves all of his or its rights under the LTD policy.

5  
6 Dated: March 21, 2017

KANTOR & KANTOR, LLP

7  
8 By: *s/ Mitchell O. Hefter*

\_\_\_\_\_  
Glenn R. Kantor  
Alan E. Kassan  
Mitchell O. Hefter  
Attorneys for Plaintiff  
Edward Elliott

9  
10  
11 Dated: March 21, 2017

BURKE, WILLIAMS & SORENSEN, LLP

12  
13 By: *s/ Keiko J. Kojima*

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Daniel W. Maguire  
Keiko J. Kojima  
Attorneys for Defendant  
Life Insurance Company of North  
America

14  
15  
16  
17 **SIGNATURE ATTESTATION**

18 Pursuant to Local Rule 5-1(i)(3), I hereby certify that the content of this  
19 document is acceptable to Mitchell Hefter, counsel for Plaintiff Edward Elliott, and  
20 that I have obtained Mr. Hefter's authorization to affix his electronic signature to  
21 this document.

22  
23 By: *s/ Keiko J. Kojima*

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Daniel W. Maguire  
Keiko J. Kojima  
Attorneys for Defendant  
Life Insurance Company of North  
America

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**PROPOSED ORDER**

Based on the foregoing Stipulation and good cause appearing therefor, it is hereby ordered that this case is stayed pending LINA’s reconsideration of Plaintiff’s long-term disability claim. The Motion for Judgment briefing schedule and hearing dates are vacated. [See Dkt. 39.] The parties shall submit a joint status report within 60 days of the entry of the Court’s Order granting the stay.

Dated: March 23, 2017

/s/ Jon S. Tigar  
~~Honorable Maxine M. Chesney~~  
~~United States District Judge~~

Honorable Jon S. Tigar  
Duty Judge