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9 *Attorneys for Plaintiff*

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**

12 JUSTIN EMERSON,)	Case No.: 3:16-cv-05093 JST
)	
13 Plaintiff,)	JOINT STIPULATION AND
)	PROPOSED ORDER RE: STANDARD
14 v.)	OF REVIEW
)	
15 METROPOLITAN LIFE INSURANCE)	
16 COMPANY,)	
)	
17 Defendant.)	
)	
)	
)	
)	
)	

18 **JOINT STIPULATION**

19 The parties have reached the following agreement which they jointly request be entered
20 as an order of this Court governing further proceedings:

21 (1) The parties agree that the standard of review applicable to the Plaintiff’s claim is
22 *de novo* for purposes of the trial of this case only;

23 (2) Metropolitan Life Insurance Company’s (“MetLife”) stipulation to *de novo*
24 standard of review in this case is for the purposes of the trial of this case only and without

1 reference to the appropriate standard of review in any other case. MetLife's stipulation on the
2 standard of review should not be construed as a concession that a *de novo* standard of review is
3 applicable in any other pending cases against MetLife.
4

5 Dated: February 16, 2017

BOLT KEENLEY KIM LLP

6
7 By: /s/ Brian H. Kim
8 Brian H. Kim
9 Attorneys for Plaintiff

10 Dated: February 16, 2017

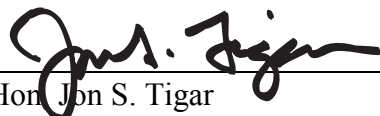
MAYNARD, COOPER & GALE, LLP

11
12 By: /s/ Linda B. Oliver
13 Linda B. Oliver
14 Alexandra Drury
15 Attorneys for Defendant METROPOLITAN
16 LIFE INSURANCE COMPANY

17
18 **~~PROPOSED~~ ORDER**

19 Pursuant to the stipulation set forth above, IT IS SO ORDERED.

20
21 Dated: February 21, 2017

22 
23 Hon. Jon S. Tigar
24 United States District Court