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 AETNA LIFE INSURANCE COMPANY and
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 BENEFITS PLAN
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 LAWRENCE GONZALES
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13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15

16 LAWRENCE GONZALES)

17 Plaintiff,)

18 vs.)

19 AETNA LIFE INSURANCE COMPANY and)
 PRAXAIR, INC. SHORT-TERM DISABILITY)
 20 BENEFITS PLAN)

21 Defendants.)
)
 22

) Case No. 3:16-cv-05670-RS

) **JOINT STIPULATION TO**
) **EXTEND TIME TO COMPLETE**
) **MEDIATION (ADR L.R. 6-5;**
) **CIVIL L.R. 7-12); [PROPOSED]**
) **ORDER THEREON**

) Complaint Filed: October 5, 2016
)
)

1 TO THE HONORABLE COURT:

2 The parties hereto, Plaintiff LAWRENCE GONZALES (“Plaintiff”) and Defendants
3 AETNA LIFE INSURANCE COMPANY (“Aetna”) and PRAXAIR, INC. SHORT-TERM
4 DISABILITY BENEFITS PLAN (“PLAN”), by and through their respective counsel of record,
5 hereby stipulate as follows:

6 WHEREAS, Plaintiff filed his Complaint to recover short-term disability (“STD”)
7 benefits pursuant to an employee welfare benefit plan in this Court on October 5, 2016.

8 WHEREAS, Defendants timely filed their Answer to Plaintiff’s Complaint on December
9 22, 2016.

10 WHEREAS, Plaintiff and Defendants agreed to participate in the court-sponsored
11 mediation pursuant to ADR L.R. 6, and this Court referred the Action to mediation in its Case
12 Management Scheduling Order dated February 16, 2017.

13 WHEREAS, the Parties’ current deadline to complete mediation is May 17, 2017.

14 WHEREAS, Arthur R. Siegel was appointed mediator on March 2, 2017.

15 WHEREAS, the Parties and Mr. Siegel conducted a pre-mediation conference call on
16 March 6, 2017, wherein the mediation was scheduled to take place on May 3, 2017.

17 WHEREAS, the Parties have been working to confirm the amount of all benefits at issue,
18 including offsets for state disability, Social Security, and possibly workers’ compensation
19 benefits, which have different start and stop dates, to ensure that the mediation will be
20 worthwhile and effective. Plaintiff is providing Defendants with documents confirming these
21 matters. However, the combination of calculations and considerations involved are particularly
22 complicated because this STD case affects Plaintiff’s potential claim for long-term disability
23 (“LTD”) benefits.

24 WHEREAS, the Parties agreed that they required additional time to resolve the issue of
25 the amount of STD benefits and offsets at issue prior to conducting mediation, and informed Mr.
26 Siegel of this development. Mr. Siegel informed the Parties that the earliest that he could
27 re-schedule the mediation would be June 2, 2017.

28

1 WHEREAS, there has been no prior extension of time for the Parties to complete
2 mediation.

3 WHEREAS, Plaintiff and Defendants anticipate that this extension of time would only
4 affect the June 16, 2017 discovery cut-off set by the Court's February 16, 2017 Case
5 Management Scheduling Order. The Parties assert that they will file a separate stipulation if they
6 are unable to resolve this case at mediation and require an extension of this deadline.

7 IT IS HEREBY STIPULATED by and between Plaintiff and Defendants through their
8 respective counsel of record that the deadline to complete mediation is extended up to June 2,
9 2017.

10 IT IS SO STIPULATED.

11
12 Dated: April 28, 2017

LAW OFFICE OF JESSE S. KAPLAN

13
14 By /s/ Jesse S. Kaplan

Jesse S. Kaplan
Attorneys for Plaintiff
LAWRENCE GONZALES

15
16 Dated: April 28, 2017

GORDON & REES LLP

17
18 By /s/ Tino X. Do

Jordan S. Altura
Tino X. Do
Attorneys for Defendants
AETNA LIFE INSURANCE COMPANY and
PRAXAIR, INC. SHORT-TERM DISABILITY
BENEFITS PLAN

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20
21
22 ATTESTATION OF E-FILED SIGNATURE

23 I, Tino X. Do, am the ECF user whose ID and password are being used to file this Joint
24 Stipulation to Extend Time to Complete Mediation. In compliance with Local Rule 5-1(i), I
25 hereby attest that Jesse S. Kaplan, counsel for Plaintiff, has concurred in this filing.

26 Dated: April 28, 2017

/s/ Tino X. Do

Tino X. Do

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that the deadline for Plaintiff and Defendants to complete mediation is extended to June 2, 2017.

Dated: 5/1/17


UNITED STATES DISTRICT JUDGE

Gordon & Rees LLP
275 Battery Street, Suite 2000
San Francisco, CA 94111