

1 FRANK N. DARRAS #128904
 2 LISSA A. MARTINEZ #206994
 3 SHERNOFF BIDART DARRAS ECHEVERRIA, LLP
 3257 East Guasti Road, Suite 300
 4 Ontario, CA 91761
 Telephone: (909) 390-3770
 5 Facsimile: (909) 974-2121
 Email: fdarras@sbdelaw.com
 6 lmartinez@sbdelaw.com

7 Attorneys for Plaintiff
 8 MARIANNE DILLEY

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 MARIANNE DILLEY,

12 Plaintiff,

13 vs.

14 METROPOLITAN LIFE INSURANCE
 15 COMPANY; BANK OF AMERICA LONG
 16 TERM DISABILITY BENEFITS PLAN,

17 Defendants.
 18

Case No.: C 07-01831 PJH (MEJ)

**STIPULATION AND [PROPOSED]
 ORDER CONTINUING THE FURTHER
 CASE MANAGEMENT CONFERENCE**

19
 20 Plaintiff Marianne Dilley and Defendants Metropolitan Life Insurance Company
 21 (“MetLife”) and Bank of America Long Term Disability Plan (the “Plan”) (collectively, “the
 22 parties”) hereby stipulate and agree as follows:

23 WHEREAS, plaintiff filed a discovery motion to enforce the Court’s December 5, 2007
 24 discovery order;

25 WHEREAS, in its opposition to plaintiff’s discovery motion, defendants also seek a
 26 protective order;

27 WHEREAS, the Court has referred plaintiff’s discovery motion to Magistrate Judge
 28 Maria-Elena James for resolution;



**SHERNOFF BIDART
DARRAS ECHEVERRIA**
LAWYERS FOR INSURANCE POLICYHOLDERS

1 WHEREAS, pursuant to Judge James' Notice of Reference and Standing Order
2 Regarding Discovery and Dispute Procedures, on August 5, 2008, the parties filed their Joint
3 Meet and Confer Letter regarding Discovery;

4 WHEREAS, the matter is under submission and the parties have not gotten a ruling or an
5 order for further briefing or oral argument;

6 WHEREAS, there is a further case management conference set for October 2, 2008;

7 WHEREAS, on September 18, 2008, plaintiff's counsel, Lissa Martinez, spoke with
8 Judge Hamilton's clerk, Nichole Heuerman, and explained that the parties did not want to waste
9 the Court's time with a further case management conference when there was no resolution of the
10 discovery dispute; Ms. Heuerman agreed that the Court would not be able to set dates without
11 having the discovery dispute resolved first and recommended that in lieu of the Joint Case
12 Management Conference Statement to be filed by September 25, 2008, that the parties submit a
13 stipulation to continue the further case management conference date;

14 WHEREAS, on September 18, 2008, and again on September 22, 2008, plaintiff's
15 counsel, Lissa Martinez, left a message with Judge James' clerk, Brenda Tolbert, regarding the
16 status of the discovery dispute, but has not yet heard back on the matter;

17 WHEREAS, the parties presently do not know whether Judge James will order that
18 further discovery take place, nor when (if permitted) such discovery will be concluded;

19 WHEREAS, the parties are agreed that it would be in the interest of judicial economy to
20 await the outcome of the pending discovery dispute before attending a further case management
21 conference;

22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

1 NOW, THEREFORE, the parties hereby stipulate to and mutually request that the Court
2 continue the further case management conference currently set for October 2, 2008 for
3 approximately 90 days, at which time the parties anticipate that a motion date can be set with
4 reasonable certainty.

5 IT IS SO AGREED AND STIPULATED.

6
7 DATED: September 23, 2008 SHERNOFF BIDART DARRAS ECHEVERRIA, LLP

8
9 By: /s/ Lissa A. Martinez
10 Lissa A. Martinez
11 Attorneys for Plaintiff

12 DATED: September 23, 2008 SEDGWICK, DETERT, MORAN & ARNOLD LLP

13
14 By: /s/ Rebecca A. Hull (as authorized on 9/23/08)
15 Rebecca A. Hull
16 Attorneys for Defendants

17 IT IS SO ORDERED.

18 DATED: 9/24/08

19 FURTHER CASE MANAGEMENT
20 CONFERENCE SET FOR 1/15/09
21 AT 2:30 P.M. A JOINT
22 STATEMENT SHALL BE FILED
23 BY 1/8/09.

24
25
26
27
28
Hon. Phyllis J. Hamilton
United States District Court

