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 7 LIFE INSURANCE COMPANY OF NORTH AMERICA
 and LONG TERM DISABILITY PLAN FOR EMPLOYEES
 8 OF EXCITE, INC.

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13 Attorneys for Plaintiff
 JOHN DOE

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16

17 JOHN DOE,)	Case No.: CV09-01665 LB
)	
18 Plaintiff,)	STIPULATION TO EXTEND TIME TO
)	FILE MOTION FOR SUMMARY
19 v.)	JUDGMENT AND [PROPOSED]
)	ORDER
20 LIFE INSURANCE COMPANY OF NORTH)	
AMERICA and LONG TERM DISABILITY)	Location: Oakland
21 PLAN FOR EMPLOYEES OF EXCITE, INC.,)	Judge: Hon. Laurel Beeler
)	
22 Defendants.)	
)	

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1 WHEREAS, Plaintiff John Doe brought this action to recover long term disability benefits;
2 WHEREAS, Defendant Life Insurance Company of North America (“LINA”) approved
3 Plaintiff’s claim for long term disability benefits after the filing of this action;

4 WHEREAS, the only remaining issue in this case is whether Plaintiff is entitled to a life
5 insurance waiver of premium benefit, through a group life insurance policy issued by LINA to the
6 National Employer Group Insurance Trust, with Plaintiff’s former employer Excite Inc. as a
7 participating subscriber, Policy No. SGM-500668 (the “Policy”);

8 WHEREAS, the parties are attempting to informally resolve the issue of Plaintiff’s
9 entitlement to the waiver of premium benefit under the Policy;

10 WHEREAS, in the Joint Status Statement filed by the parties on January 21, 2010, Plaintiff
11 indicated that he intended to file a motion for summary judgment on the waiver of premium issue
12 no later than February 12, 2010;

13 WHEREAS, the parties would like an additional two weeks to try to informally resolve the
14 waiver of premium issue;

15 WHEREAS, there have been no previous stipulations to extend the time to file the motion
16 for summary judgment on the waiver of premium issue;

17 WHEREAS, the Court vacated all deadlines in this case on January 26, 2010;

18 WHEREAS, the Court’s Order Vacating Status Conference, filed January 26, 2010, states
19 that the parties shall file a joint statement requesting a case management conference if Plaintiff
20 chose not to file a motion for summary judgment by February 12, 2010;

21 WHEREAS, the parties would like to continue the date by which to request a case
22 management statement in order to try to informally resolve the waiver of premium issue;

23 NOW, THEREFORE, the parties stipulate as follows:

- 24 1. If the parties cannot informally resolve the waiver of premium issue within two weeks,
25 Plaintiff will file a motion for summary judgment no later than February 26, 2010.
- 26 2. If Plaintiff elects not to file a motion for summary judgment by February 26, 2010, the
27 parties will file a joint statement regarding the status of the case and a request for a case
28

1 management conference.

2 Date: February 12, 2010

3 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

4 By: /s/ Shilpa G. Doshi

5 SEAN P. NALTY
6 SHILPA G. DOSHI
7 Attorneys for Defendants
8 LIFE INSURANCE COMPANY OF NORTH AMERICA
9 and LONG TERM DISABILITY PLAN FOR EMPLOYEES
10 OF EXCITE, INC.

8 Date: February 12, 2010

9 LEWIS, FEINBERG, LEE, RENAHER & JACKSON, P.C.

10 By: /s/ Teresa S. Renaker

11 TERESA S. RENAHER
12 Attorneys for Plaintiff
13 JOHN DOE

13 **IT IS SO ORDERED.**

14 Dated: February 16, 2010

15 /s/
16 LAUREL BEELER
17 United States Magistrate Judge