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

15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA  
 17

18 JOHN DOE, ) Case No.: CV09-01665 LB  
 )  
 19 Plaintiff, ) **PROPOSED ORDER REGARDING**  
 ) **ADMINISTRATIVE REMAND AND**  
 20 v. ) **FEES MOTION**  
 )  
 21 LIFE INSURANCE COMPANY OF NORTH )  
 AMERICA and LONG TERM DISABILITY )  
 22 PLAN FOR EMPLOYEES OF EXCITE, INC., )  
 )  
 23 Defendants. )  
 )

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1 This matter is set for a case management conference on December 16, 2010. Plaintiff has  
2 now received the letter from Defendant LINA containing its determination regarding Plaintiff's  
3 waiver of premium benefit claim.

4 The Parties agree that Plaintiff will request review of LINA's decision first with LINA  
5 through the "administrative process." The usual time limits under ERISA apply will apply to this  
6 request for review: 180 days for Plaintiff to submit additional information to LINA and 45 days for  
7 LINA to consider his request for review, unless special circumstances arise warranting a 45-day  
8 extension.

9 While Plaintiff pursues his claim with LINA, this case shall be administratively closed. It  
10 may be reopened by appropriate motion if necessary.

11 Any motion for attorney's fees and costs is due no later than 14 days after either party  
12 declares the conclusion of the meet and confer process following any final determination of  
13 Plaintiff's life waiver benefits.

14 "Final determination" is defined as any of the following:

- 15 1. A decision overturning the waiver of premium denial is received by  
16 Plaintiff's counsel;
- 17 2. The date judgment is entered on the waiver of premium issue; or
- 18 3. The date any settlement agreement is signed.

19 The Case Management Conference set for December 16, 2010 is hereby removed from  
20 calendar. The Clerk is ordered to close the case administratively.

21 IT IS SO ORDERED.

22 Dated: 12/13/10  
23 \_\_\_\_\_

24 LAUREL BEELER  
25 Judge Laurel Beeler  
26 United States Magistrate Judge

