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 CALIFORNIA PHYSICIANS' SERVICE dba BLUE SHIELD OF
 8 CALIFORNIA

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 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

13 DANIEL F., SHAN O. and GEOFFREY F.,
 Individually and as representatives of the
 14 Class of similarly situated individuals,

15 Plaintiffs,

16 vs.

17 BLUE SHIELD OF CALIFORNIA, and
 OGDEMLI/FELDMAN DESIGN GROUP
 18 BENEFIT PLAN,

19 Defendants.

Case No. 4:09-cv-02037-PJH (EMC)

**STIPULATION AND REVISED
 [PROPOSED] ORDER REGARDING
 FURTHER BRIEFING AND HEARING
 OF BLUE SHIELD'S PENDING MOTION
 FOR SUMMARY JUDGMENT**

Hon. Edward M. Chen

21 WHEREAS, a hearing was held on June 2, 2010 before the Hon. Edward M. Chen
 22 on (1) Plaintiffs' Motion to Compel Defendant Blue Shield of California to Respond to Plaintiffs'
 23 Notice of Rule 30(b)(6) Deposition (Docket #37), and (2) Plaintiffs' Motion to Compel
 24 Defendant Blue Shield of California to Respond to Plaintiffs' First Set of Interrogatories (Docket
 25 #40);

26 WHEREAS, Magistrate Judge Chen ordered the parties to meet and confer;

27 WHEREAS, on June 18, 2010, the parties filed a Stipulation and [Proposed] Order
 28 (1) Resolving Motions to Compel and (2) Regarding Further Briefing and Hearing of Blue

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STIPULATION AND REVISED [PROPOSED] ORDER RE FURTHER BRIEFING AND HEARING OF BLUE
 SHIELD'S PENDING MOTION FOR SUMMARY JUDGMENT

1 Shield's Pending Motion for Summary Judgment (Docket #60);

2 WHEREAS, on June 18, 2010, Judge Chen signed and entered the proposed Order
3 (Docket #61) which provided for the following schedule:

4 1. By June 18, 2010: Plaintiffs shall designate 10 residential treatment
5 centers by name, address and (if available) tax ID number.

6 2. By August 13, 2010: For each facility so designated by
7 Plaintiffs, Defendant Blue Shield of California ("Blue Shield") shall provide the following
8 summary information (the "Information"): (a) the number of claims received and processed for
9 the facility for individuals enrolled in an ERISA plan that had purchased group insurance from
10 Blue Shield to fund the plan; (b) whether the claims were paid; and (3) if the claims were denied,
11 the message codes in Blue Shield's database that identify the basis for denial (along with a key
12 explaining what the codes mean). The relevant time frame for this Information shall be from May
13 8, 2005, four years before the date of the filing of Plaintiffs' Complaint, to the present. The
14 Information shall be provided in a declaration signed under penalty of perjury (the
15 "Declaration").

16 3. By August 27, 2010: Plaintiffs shall advise Blue Shield what, if any,
17 additional information they seek by either informal requests, written discovery or a Rule 30(b)(6)
18 deposition. Such additional discovery, if any, shall be directed solely to the Information Blue
19 Shield provides in the Declaration with respect to the 10 facilities. Blue Shield may object to any
20 such additional discovery on any ground. Other than as provided in paragraphs 1 – 3 of this
21 Stipulation, the parties shall not seek any other discovery prior to the hearing on Blue Shield's
22 pending Motion for Summary Judgment.

23 4. By October 1, 2010: The parties shall complete the additional discovery
24 provided for in paragraphs 1 – 3 of this Stipulation.

25 5. By October 15, 2010 (14 days following the completion of the additional
26 discovery per Judge Hamilton's May 17, 2010 Order): Plaintiffs shall file their opposition to Blue
27 Shield's pending Motion for Summary Judgment (assuming Plaintiffs have not filed anything with
28

1 the Court prior to October 1, 2010, indicating that a dispute remains with respect to paragraphs 1
2 – 3 of this Stipulation).

3 6. By October 22, 2010 (one week after Plaintiffs’ opposition per the May 17,
4 2010 Order): Blue Shield shall file its reply in support of its pending Motion for Summary
5 Judgment.

6 7. November 3, 2010 at 9 a.m. (or as otherwise may be ordered by Judge
7 Hamilton): Hearing before Judge Hamilton on Blue Shield's pending Motion for Summary
8 Judgment.

9 WHEREAS, by June 18, 2010, Plaintiffs designated the 10 residential treatment
10 centers in accordance with paragraph 1 of the June 18, 2010 Order;

11 WHEREAS, by August 13, 2010, in accordance with paragraph 2 of the June 18,
12 2010 Order, Blue Shield provided the summary Information in a Declaration of Leslie Crawford
13 (the “Crawford Declaration”), which included information about claims for 32 individuals;

14 WHEREAS, by August 27, 2010, in accordance with paragraph 3 of the June 18,
15 2010 Order, Plaintiffs advised Blue Shield of the additional discovery they seek regarding the
16 Information provided in the Crawford Declaration by propounding Plaintiffs’ Second Set of
17 Requests for Production of Documents and Plaintiffs’ Amended Rule 30(b)(6) Notice of
18 Deposition to Blue Shield of California (the “Additional Discovery”), which seek further
19 information regarding the claims for each of the 32 individuals identified in the Crawford
20 Declaration;

21 WHEREAS, without waiving its objections to the Additional Discovery, including
22 that this discovery seeks information that is irrelevant to the issues in this case and to Blue
23 Shield’s pending Motion for Summary Judgment, Blue Shield is in the process of responding to
24 the Additional Discovery;

25 WHEREAS, given the volume of information requested in the Additional
26 Discovery, the parties are unable to complete the Additional Discovery by October 1, 2010, and
27 need an additional four weeks to do so;

1 NOW, THEREFORE, the parties, through their undersigned counsel, hereby
2 stipulate as follows:

3 1. By October 15, 2010: Without waiving any objections it may have, Blue
4 Shield will produce documents in response to Plaintiffs' Second Set of Requests for Production of
5 Documents.

6 2. By October 29, 2010: Without waiving any objections it may have, Blue
7 Shield will produce a witness for deposition in response to Plaintiffs' Amended Rule 30(b)(6)
8 Notice of Deposition. (The parties have scheduled this deposition for October 27, 2010.)

9 3. By November 12, 2010 (14 days following the completion of the additional
10 discovery per Judge Hamilton's May 17, 2010 Order): Plaintiffs will file their opposition to Blue
11 Shield's pending Motion for Summary Judgment (assuming Plaintiffs have not filed anything with
12 the Court prior to October 29, 2010, indicating that a dispute remains with respect to the
13 Additional Discovery).

14 4. By November 19, 2010 (one week after Plaintiffs' opposition per the May
15 17, 2010 Order): Blue Shield will file its reply in support of its pending Motion for Summary
16 Judgment.

17 5. December 1, 2010 at 9 a.m. (or as otherwise may be ordered by Judge
18 Hamilton): Hearing before Judge Hamilton on Blue Shield's pending Motion for Summary
19 Judgment (which currently is calendared for November 3, 2010 at 9 a.m.).

20
21 Dated: September 28, 2010

MANATT, PHELPS & PHILLIPS, LLP

22
23 By: /s/ Craig S. Bloomgarden
24 Craig S. Bloomgarden
25 Attorneys for Defendant
26 CALIFORNIA PHYSICIANS' SERVICE
27 dba BLUE SHIELD OF CALIFORNIA
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Dated: September 28, 2010

BRIAN S. KING, ATTORNEY AT LAW

By: /s/ Brian S. King
Brian S. King
Attorneys for Plaintiffs

Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, Craig S. Bloomgarden hereby attests that concurrence in the filing of this document has been obtained.

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ORDER

In view of the foregoing, and good cause appearing, IT IS HEREBY ORDERED as follows:

1. By October 15, 2010: Without waiving any objections it may have, Blue Shield will produce documents in response to Plaintiffs' Second Set of Requests for Production of Documents.

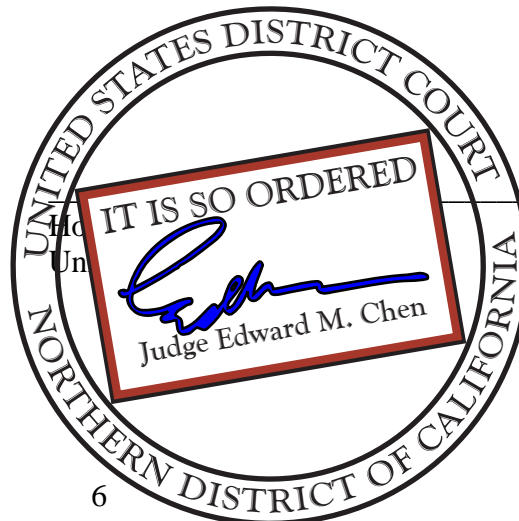
2. By October 29, 2010: Without waiving any objections it may have, Blue Shield will produce a witness for deposition in response to Plaintiffs' Amended Rule 30(b)(6) Notice of Deposition.

3. By November 12, 2010 (14 days following the completion of the additional discovery per Judge Hamilton's May 17, 2010 Order): Plaintiffs will file their opposition to Blue Shield's pending Motion for Summary Judgment (assuming Plaintiffs have not filed anything with the Court prior to October 29, 2010, indicating that a dispute remains with respect to the Additional Discovery).

4. By November 19, 2010 (one week after Plaintiffs' opposition per the May 17, 2010 Order): Blue Shield will file its reply in support of its pending Motion for Summary Judgment.

5. December 1, 2010 at 9 a.m. (or as otherwise may be ordered by Judge Hamilton): Hearing before Judge Hamilton on Blue Shield's pending Motion for Summary Judgment (which currently is calendared for November 3, 2010 at 9 a.m.).

DATED: 9/30, 2010



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