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1. The Court shall apply the de novo standard of review to Life Insurance Company of North America's claim determination, denying plaintiff's claim for long term disability benefits under the subject group policy and the subject plan, which is the subject of this ERISA action.

Date: November 16, 2009

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

By: /s/ Charan M. Higbee
ADRIENNE C. PUBLICOVER
CHARAN M. HIGBEE
Attorneys for Defendants
LIFE INSURANCE COMPANY OF NORTH
AMERICA and NOVARTIS VACCINES AND
DIAGNOSTICS, INC.

Date: November 16, 2009

~~DELFINO, GREEN & GREEN~~

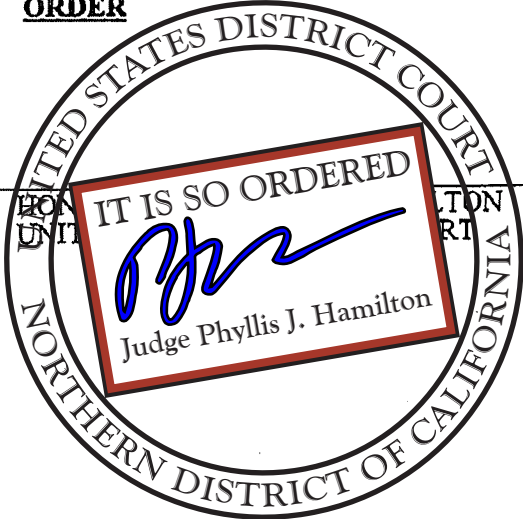
By: [Signature]
WILLIAM GREEN
Attorneys for Plaintiff
MARK FAGAN

ORDER

IT IS SO ORDERED.

Date: 11/19/09

By: [Signature]
IT IS SO ORDERED
Judge Phyllis J. Hamilton



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CERTIFICATE OF SERVICE
*Mark Fagan v. Life Insurance Company of North America and
Novartis Vaccines and Diagnostics, Inc.
USDC NDCA Case #CV09-02658 PJH*

I am a citizen of the United States. I am over the age of eighteen years and am not a party to the within cause. I am employed in the City and County of San Francisco, California and my business address is 525 California Street, 17th Floor, San Francisco, California 94105.

On this date I served the following document(s):

STIPULATION REGARDING STANDARD OF REVIEW; AND [PROPOSED] ORDER

on the parties identified below, through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below by the following means of service:

: **By First Class Mail** -- I caused each such envelope, with first class postage thereon fully prepaid, to be deposited in a recognized place of deposit of the U.S. Mail in San Francisco, California, for collection to the office of the addressee following ordinary business practices.

: **By Personal Service** -- I caused each such envelope to be given to a courier messenger who personally delivered each such envelope to the office of the address.

: **By Overnight Courier** -- I caused each such envelope to be given to an overnight mail service at San Francisco, California, to be hand delivered to the office of the addressee on the next business day.

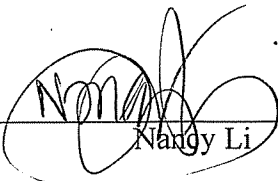
: **Facsimile** -- (Only where permitted. Must consult CCP § 1012.5 and California Rules of Court 2001-2011. Also consult FRCP Rule 5(e). Not currently authorized in ND.CA.)

William Green, Esq.
DELFINO, GREEN & GREEN
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San Rafael, CA 94901
Tel: (415) 442-4646
Fax: (415) 442-4802

Attorneys for Plaintiff
MARK FAGAN

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

EXECUTED **November 16, 2009** at San Francisco, California.



Nancy Li