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 12 AETNA LIFE INSURANCE COMPANY,  
 SPRINT/UNITED MANAGEMENT COMPANY  
 13 AND THE SPRINT/UNITED MANAGEMENT  
 COMPANY LONG TERM DISABILITY PLAN  
 14

15 **UNITED STATES DISTRICT COURT**  
 16 **NORTHERN DISTRICT OF CALIFORNIA**

17 MICHAEL FRANKS, an individual, )  
 18 ) Case No. C 10-03880 CW  
 Plaintiff, )  
 19 ) **STIPULATION AND ORDER FOR 60-**  
 v. ) **DAY CONDITIONAL DISMISSAL**  
 20 )  
 21 AETNA LIFE INSURANCE COMPANY; ) Case Management Conference:  
 THE SPRINT/UNITED MANAGEMENT )  
 22 COMPANY LONG TERM DISABILITY ) Date: April 5, 2011  
 PLAN; SPRINT/UNITED MANAGEMENT ) Courtroom:  
 23 COMPANY, in its capacity as Plan ) Hon. Claudia Wilken  
 Administrator, ) United States District Judge  
 24 )  
 25 Defendants. )

1 WHEREAS, the parties anticipate resolving by agreement any and all remaining issues in  
2 this action; and

3 WHEREAS the parties in this action are currently set to attend the Court's Case  
4 Management Conference scheduled for April 5, 2011;

5 The parties in this action, Plaintiff Michael Franks and Defendants Aetna Life Insurance  
6 Company and Sprint/United Management Company Long Term Disability Plan, and  
7 Sprint/United Management Company (collectively referred to herein as "Defendants"), by and  
8 through their respective counsel of record, hereby stipulate as follows:

9 **The parties stipulate and respectfully request that the Court enter a 60-day**  
10 **conditional dismissal of the action, in the form of the proposed Order set forth below.**

11 **IT IS SO STIPULATED:**

12 Dated: April 1, 2011

Respectfully Submitted,

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14 JULIAN M. BAUM & ASSOCIATES

15 */s/ Julian M. Baum*

16 By: \_\_\_\_\_

17 Julian M. Baum  
Attorneys for Plaintiff

18 Dated: April 1, 2011

GORDON & REES LLP

19  
20 */s/ Tad. A. Devlin*

21 By: \_\_\_\_\_

22 Tad A. Devlin  
Attorneys for Defendants

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**ORDER**

The parties having so stipulated, IT IS HEREBY ORDERED that this cause is dismissed with prejudice; provided, however, that if any party shall certify to this Court, within 60 days from the date of entry of this Order, that settlement of this action has not been consummated, then the foregoing Order shall stand vacated and this cause shall forthwith be restored to the Court's calendar for further proceedings.

**IT IS SO ORDERED.**

Dated: 4/5/2011

  
CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE