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2 UNITED STATES DISTRICT COURT  
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
4 OAKLAND DIVISION  
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6 NANCY BAUM,

7 Plaintiff,

8 vs.

9 METROPOLITAN LIFE INSURANCE  
10 COMPANY; IBM LONG TERM  
DISABILITY PLAN,

11 Defendants.

Case No: C 10-4280 SBA

**ORDER REFERRING ACTION  
FOR MANDATORY SETTLEMENT  
CONFERENCE**

Docket 24

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13 This action arises under the Employee Retirement Income Security Act, based on  
14 Defendants' alleged failure to pay Plaintiff long-term disability benefits. Plaintiff has now  
15 filed an Ex Parte Application for Order Shortening Time for Hearing of Motion for  
16 Summary Judgment and Motion for Summary Judgment. Dkt. 24. According to Plaintiff,  
17 she was informed by Defendants on May 10, 2011, that Defendants had agreed to reinstate  
18 Plaintiff's benefits. However, to date, Defendants allegedly have not yet resumed any  
19 payments to Plaintiff, who has been without benefits for almost two years. Accordingly,  
20 Plaintiff requests "that the Court enter an Order requiring [Defendants] to advise the Court  
21 within 24 hours whether it will be opposing either Plaintiff's Ex Parte Application for An  
22 Order Shortening Time for Hearing of her Motion for Summary Judgment, or the Motion  
23 itself." Dkt. 24 at 5.

24 Based on the record presented, it appears that the parties are close to reaching a  
25 settlement of this action. Thus, rather than engaging in potentially unnecessary and costly  
26 motion practice, the parties should focus their resources on working towards a settlement.  
27 Accordingly,  
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IT IS HEREBY ORDERED THAT:

1. The instant action is REFERRED to the Chief Magistrate Judge or her designee for a mandatory settlement conference to take place within forty-five (45) days of the date this Order is filed.

2. Plaintiff's Ex Parte Application for Order Shortening Time for Hearing of Motion for Summary Judgment and Motion for Summary Judgment is DENIED without prejudice.

IT IS SO ORDERED.

Dated: July 20, 2011

  
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SAUNDRA BROWN ARMSTRONG  
United States District Judge