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 (erroneously sued and served as AETNA, Inc.)

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19 Attorneys for Defendants  
 Bank of America Group Benefits Program; Metropolitan  
 20 Life Insurance Company

21 UNITED STATES DISTRICT COURT  
 22 NORTHERN DISTRICT OF CALIFORNIA

23 MARYELLA DAVIS,  
 24 Plaintiff,  
 25 v.  
 26 BANK OF AMERICA GROUP BENEFITS  
 PROGRAM; METROPOLITAN LIFE  
 27 INSURANCE COMPANY; AETNA, INC.,  
 28 Defendants.

Case No. 4:10-cv-05199-SBA

**STIPULATION AND ~~PROPOSED~~  
 ORDER TO CONTINUE DATE TO  
 COMPLETE ADR**

1 Plaintiff MaryElla Davis and defendants Bank of America Group Benefits Program,  
2 Metropolitan Life Insurance Company, and Aetna Life Insurance Company (erroneously sued  
3 and served as AETNA, Inc.), by and through their respective attorneys of record, hereby agree  
4 and stipulate as follows:

5 1. On August 30, 2011, the Court ordered that the parties participate in mediation  
6 through the Northern District of California’s ADR Program. (ECF No. 30.) Pursuant to the  
7 timelines set forth in the ADR Local Rules, the parties are to complete mediation on or before  
8 November 28, 2011.

9 2. On October 12, 2011, Stephen Schrey was appointed as the parties’ mediator.  
10 (ECF No. 40.) On October 12, 2011, Mr. Schrey contacted the parties’ respective counsel to  
11 schedule a pre-mediation telephone conference. The first mutually available date for the  
12 telephone conference is October 27, 2011.

13 3. The parties and the mediator have conferred and concluded that based upon the  
14 recent appointment of Mr. Schrey as the mediator and the upcoming holidays, the parties will  
15 not be able to find a mutually available date for mediation before the November 28, 2011  
16 mediation cut off.

17 WHEREFORE, the parties, by and through their respective counsel stipulate, and  
18 respectfully request that the Court order, as follows:

19 1. The parties agree to participate in mediation on or before January 31, 2012.

20 IT IS SO STIPULATED.

21 DATED: October 18, 2011 DOROTHY GUILLORY

22

23 By: /s/ Dorothy Guillory (as authorized on 10/18/2011)

24 Dorothy Guillory  
25 Attorney for Plaintiff  
26 MaryElla Davis

26 //

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1 DATED: October 18, 2011 GORDON & REES LLP

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3 By: /s/ Lisa K. Garner (as authorized on 10/18/2011)  
4 Ronald K. Alberts  
5 Lisa K. Garner  
6 Attorneys for Defendants  
7 Aetna Life Insurance Company

8 DATED: October 18, 2011 SEDGWICK LLP

9

10 By: /s/ Rebecca A. Hull  
11 Rebecca A. Hull  
12 Erin A. Cornell  
13 Attorneys for Defendants  
14 BANK OF AMERICA GROUP BENEFITS  
15 PROGRAM; METROPOLITAN LIFE INSURANCE  
16 COMPANY

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18 **ORDER**

19 IT IS HEREBY ORDERED that the last day for the parties to participate in mediation  
20 is continued to January 31, 2012.

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22 DATED: 10/20/11

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25 \_\_\_\_\_  
26 Honorable Saundra Brown Armstrong

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