

1 SEAN P. NALTY, Esq. (SBN 121253)
 Email: Sean.Nalty@WilsonElser.com
 2 WILSON, ELSER, MOSKOWITZ,
 EDELMAN & DICKER LLP
 3 525 Market Street, 17th Floor
 San Francisco, California 94105
 4 Tel: (415) 433-0990
 Fax: (415) 434-1370
 5

E-Filed 2/24/09

6 Attorneys for Defendants,
 LIFE INSURANCE COMPANY OF NORTH AMERICA,
 SAP AMERICA, INC., LONG TERM DISABILITY PLAN
 7 and SAP AMERICA, INC., LIFE INSURANCE PLAN
 8
 9

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12

13 DALIT WAISSMAN,) CASE NO. C08-04731 JF
 14 Plaintiff,)
 15 v.) **STIPULATION OF THE PARTIES**
) **REQUESTING CONTINUANCE OF THE**
 16 LIFE INSURANCE COMPANY OF NORTH) **FEBRUARY 27, 2009 CASE**
) **MANAGEMENT CONFERENCE IN THIS**
 17 AMERICA; SAP AMERICA, INC., LONG) **MATTER; ~~PROPOSED~~ ORDER**
)
 18 TERM DISABILITY PLAN)
)
 and SAP AMERICA, INC., LIFE)
 19 INSURANCE PLAN)
 Defendants.) Action Filed: October 14, 2008
 20

FRP 2/19/09 2:27 PM
 Formatted: Font:9 pt
 FRP 2/19/09 2:27 PM
 Deleted: 421153.1

21
 22
 23
 24
 25
 26
 27
 28

1
STIPULATION AND ORDER RE CONTINUANCE OF THE CMC
 USDC ND Cal CASE NO. C08-04731 JF

[421153.1](#)

1 Plaintiff DALIT WAISSMAN through her counsel of record in this matter, Charles Perkins,
2 Flynn, Rose & Perkins, and defendants LIFE INSURANCE COMPANY OF NORTH AMERICA;
3 SAP AMERICA, INC., LONG TERM DISABILITY PLAN and SAP AMERICA, INC., LIFE
4 INSURANCE PLAN through their counsel of record Sean Nalty, Wilson, Elser, Moskowitz,
5 Edelman & Dicker, LLP, hereby enter into the following stipulation:

6 This matter is governed by the Employee Retirement Income Security Act of 1974
7 (“ERISA”). Based on the facts set forth below, the parties hereby request that the Court continue
8 the Case Management Conference (“CMC”) in this matter, currently set for February 27, 2009, for
9 120 days.

10 The parties have filed with the Court their Alternative Dispute Resolution stipulation
11 selecting private mediation. Mr. Perkins and Mr. Nalty already have discussed several times the
12 issues that must be addressed in trying to settle this matter. The parties have stipulated to complete
13 the mediation within 120 days.

14 If the matter does not settle, the parties at the continued CMC will request that this matter be
15 set for a bench trial. Therefore, continuing the CMC will not interfere with the prompt resolution of
16 this matter. It will allow the parties to focus resources and time on the resolution of this matter
17 either through informal negotiations or the mediation.

18
19 Date: February 19, 2009 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

20
21 By: /s/ Sean P. Nalty
22 SEAN P. NALTY
23 Attorneys for Defendants,
24 LIFE INSURANCE COMPANY OF NORTH AMERICA
25 SAP AMERICA, INC., LONG TERM DISABILITY PLAN
26 and SAP AMERICA, INC., LIFE INSURANCE PLAN

27
28 Date: February 19, 2009 FLYNN, ROSE & PERKINS

By: /s/ Charles B. Perkins
CHARLES B. PERKINS
Attorneys for Plaintiff
DALIT WAISSMAN,

FRP 2/19/09 2:27 PM

Formatted: Font:9 pt

FRP 2/19/09 2:27 PM

Deleted: 421153.1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Based on the stipulation of the parties, and good cause appearing therefore, the Case Management Conference in this matter currently set for February 27, 2009 at 10:30 a.m. is continued one hundred and twenty days to July 10, 2009 at 10:30 a.m.

Dated: 2/23/09



HONORABLE JEREMY FOGEL
JUDGE OF THE SUPERIOR COURT

FRP 2/19/09 2:27 PM
Formatted: Font:9 pt
FRP 2/19/09 2:27 PM
Deleted: 421153.1

[421153.1](#)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STIPULATION AND ORDER RE CONTINUANCE OF THE CMC

USDC ND Cal CASE NO. C08-04731 JF

[421153.1](#)

FRP 2/19/09 2:27 PM
Formatted: Font:9 pt

FRP 2/19/09 2:27 PM
Deleted: 421153.1