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\*\*E-Filed 7/22/2010\*\*

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 10 LIFE INSURANCE COMPANY OF NORTH AMERICA,  
 11 SAP AMERICA, INC., LONG TERM DISABILITY PLAN  
 12 and SAP AMERICA, INC., LIFE INSURANCE PLAN

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19 Attorney for Plaintiff DALIT WAISSMAN

20 UNITED STATES DISTRICT COURT  
 21 NORTHERN DISTRICT OF CALIFORNIA

22 DALIT WAISSMAN,	)	CASE NO. C08-04731 JF-PVT
	)	
23 Plaintiff,	)	<b>STIPULATION OF THE PARTIES RE:</b>
	)	<b>BRIEFING SCHEDULE TO RESOLVE</b>
24 v.	)	<b>THE FINAL ISSUES IN THIS ACTION</b>
	)	<b>AND REQUEST TO TAKE THE JULY 23,</b>
	)	<b>2010 CASE MANAGEMENT</b>
25 LIFE INSURANCE COMPANY OF NORTH	)	<b>CONFERENCE OFF CALANDER</b>
26 AMERICA; SAP AMERICA, INC., LONG	)	
27 TERM DISABILITY PLAN	)	Action Filed: October 14, 2008
28 and SAP AMERICA, INC., LIFE	)	
INSURANCE PLAN	)	
	)	
Defendants.	)	

1 Plaintiff Dalit Weissman (“plaintiff”), through her counsel of record, Charles B. Perkins,  
2 Flynn, Rose & Perkins, and defendants Life Insurance Company of North America, SAP America,  
3 Inc. Long Term Disability Plan, & SAP America Inc. Life Insurance Plan (“defendant”) through  
4 their counsel of record, Sean P. Nalty, Wilson, Elser, Moskowitz, Edelman & Dicker LLP, hereby  
5 request that the Court adopt the suggested briefing schedule set forth below and take the July 23,  
6 2010 Case Management Conference off-calendar.

7 **A. Pertinent Facts**

8 All of the issues in this matter, except one, have been either adjudicated by this Court or  
9 agreed on by the parties. Plaintiff’s disability benefits have been reinstated and back disability  
10 benefits have been paid in accordance with the Court’s order in this matter. Plaintiff’s claim for  
11 attorney’s fees and costs incurred through March 22, 2010 has been settled and this settlement  
12 amount has been paid. Finally, the life insurance benefit, provided in conjunction with plaintiff’s  
13 disability insurance coverage, has also been reinstated.

14 However, the parties have been unable to resolve the issue of the amount of life insurance  
15 coverage to which plaintiff is entitled and if life insurance coverage should be provided to plaintiff’s  
16 husband. The parties are continuing to try to resolve these issues. Plaintiff contends that this issue is  
17 properly adjudicated by the Court in this matter. Although defendants want to work out this issue  
18 informally, defendants contend that the issue is not in controversy in this matter since there is no  
19 claim in this matter that life insurance benefits are owed.

20 **B. The Case Management Conference**

21 At the July 23, 2010 case management conference (“CMC”) scheduled in this matter, the  
22 Parties will request that the Court set a briefing schedule to resolve this issue in the event that the  
23 issue cannot be resolved informally. The parties have met and conferred on a briefing schedule and,  
24 through this stipulation, request that the Court adopt the following briefing schedule in lieu of the  
25 Parties having to appear at the CMC.

- 26 1. Plaintiff’s opening brief: September 3, 2010
- 27 2. Defendants’ Opposition: September 24, 2010
- 28 3. Plaintiff’s Reply: October 1, 2010

1 The Parties are agreeable that the Court set a hearing date on this motion that is convenient for the  
2 Court. The Parties are also agreeable to any modifications the Court wants to make to this schedule.  
3 If the Court adopts this briefing schedule, or a modified briefing schedule, than the July 23, 2010  
4 CMC can be taken off –calendar.

5 **C. The Stipulation**

6 Plaintiff, through her counsel of record, Charles Perkins, and defendants through their  
7 counsel of record, Sean Nalty, hereby stipulate to the briefing schedule set forth above and to any  
8 modifications or additions to the schedule required by the Court. The Parties further stipulate that a  
9 hearing date on plaintiff’s motion can be set at the Court’s convenience. Finally, the Parties stipulate  
10 that the July 23, 2010 Case Management Conference in this matter can be taken off-calendar in the  
11 event that the Court adopts the briefing schedule suggested by the Parties or a briefing schedule  
12 modified by the Court.

12 IT IS SO STIPULATED.

13 Date: July 20, 2010 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

14  
15 By: /s/ Sean P. Nalty

16 SEAN P. NALTY  
17 Attorneys for Defendants,  
18 LIFE INSURANCE COMPANY OF NORTH AMERICA  
19 SAP AMERICA, INC., LONG TERM DISABILITY PLAN  
and SAP AMERICA, INC., LIFE INSURANCE PLAN

20 Date: July 20, 2010 FLYNN, ROSE & PERKINS

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22  
23 By: /s/ Charles B. Perkins

24 Attorney for Plaintiff  
25 DALIT WAISSMAN  
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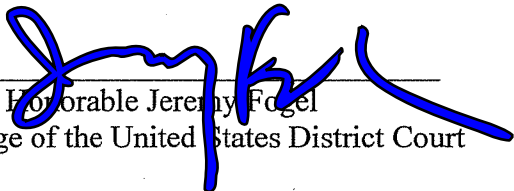
~~Proposed~~ ORDER

Based on the stipulation of the parties set forth above, and good cause appearing therefore, the Court hereby issues the following order:

The Court hereby orders the following briefing schedule to resolve all remaining issues in this matter: Plaintiff's opening brief will be filed on or before September 3, 2010; defendants opposition will be filed on or before September 24, 2010; and plaintiff's reply brief will be filed on or before October 1, 2010. The hearing date on this matter will be October 15, 2010. With this briefing schedule, the July 23, 2010 Case Management Conference in this matter is taken off calendar.

IT IS SO ORDERED.

Date: 7/22/2010

  
The Honorable Jeremy Fogel  
Judge of the United States District Court

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**PROOF OF SERVICE**

*Dalit Waissman v. Life Insurance Company of North America, et al.*  
*U.S.D.C. Case No. C08-04731 PVT*

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 Market Street, 17<sup>th</sup> Floor, San Francisco, California 94105. On this date I served the following document(s).

**STIPULATION OF THE PARTIES RE: BRIEFING SCHEDULE TO RESOLVE THE FINAL ISSUES IN THIS ACTION AND REQUEST TO TAKE THE JULY 23, 2010 CASE MANAGEMENT CONFERENCE OFF CALENDAR; [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** – (Pursuant to CCP Section 1013.) I am readily familiar with Wilson Elser Moskowitz Edelman & Dicker LLP’s practices for collecting and processing documents for mailing with the United States Postal Service. Following these ordinary business practices, I placed the above referenced sealed envelope(s) for collection and mailing with the United States Postal Service on the date listed herein at 525 Market Street, 17<sup>th</sup> Fl., San Francisco, CA 94105-2725. The above-referenced sealed envelope(s) will be deposited with the United States Postal Service on the date listed herein in the ordinary course of business.

: **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 N.D.C.A.)

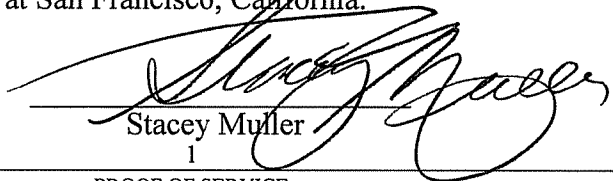
: **E-Filing** - I caused each such envelope to be electronically served to the office of the address.

Charles B. Perkins, Esq.  
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Los Gatos, CA 95930  
Tel: (408) 399-4566  
Fax: (408) 399-6683

*Attorney for Plaintiff*  
**DALIT WAISSMAN**

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 July 20, 2010 at San Francisco, California.

  
Stacey Muller  
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