

SEAN P. NALTY (SBN 121253)
 sean.nalty@wilsonelser.com
 SHILPA G. DOSHI (SBN 253024)
 shilpa.doshi@wilsonelser.com
 WILSON, ELSE, MOSKOWITZ,
 EDELMAN & DICKER LLP
 525 Market Street, 17th Floor
 San Francisco, CA 94105
 Telephone: (415) 433-0990
 Facsimile: (415) 434-1370

Attorneys for Defendants
 APPLE INC. LONG TERM DISABILITY PLAN;
 LIFE INSURANCE COMPANY OF NORTH AMERICA

CASSIE SPRINGER-SULLIVAN (SBN 221506)
 css@ssrlawgroup.com
 MICHELLE L. ROBERTS (SBN 239092)
 mlr@ssrlawgroup.com
 SPRINGER-SULLIVAN & ROBERTS, LLP
 410 -12th Street, Suite 325
 Oakland, CA 94607
 Tel: (510) 992-6130
 Fax: (510) 280-7564

Attorneys for Plaintiff
 LAURA ALLEN

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

LAURA ALLEN,
 Plaintiff,

v.

APPLE INC. LONG TERM DISABILITY PLAN;
 CIGNA GROUP INSURANCE,
 Defendants.

Case No.: C09-04459 JF

**STIPULATION REGARDING
 STANDARD OF REVIEW AND
 DISCOVERY; [PROPOSED] ORDER**

Filed: September 22, 2009
 Judge: Honorable Jeremy Fogel

WHEREAS, Plaintiff Laura Allen brought this action to recover long term disability
 benefits under the Apple Inc. Long Term Disability Plan;

1 WHEREAS, Plaintiff contended that her claim should be reviewed under a de novo standard
2 of review;

3 WHEREAS, Defendants contended that Plaintiff's claim should be reviewed under an abuse
4 of discretion standard of review;

5 WHEREAS, the parties' held different views on the scope of discovery permissible in an
6 ERISA action;

7 WHEREAS, Plaintiff proposed that the parties stipulate that Plaintiff's claim for long term
8 disability benefits is subject to de novo review by the Court and that no discovery should be
9 conducted in this action;

10 NOW, THEREFORE, the parties stipulate as follows:

- 11 1. Plaintiff's claim for long term disability benefits will be reviewed under a de
12 novo standard of review by the Court, based on the documents contained in
13 the administrative record as determined by the Court;
- 14 2. The parties shall not conduct any discovery in this action.

15 Date: January 14, 2010 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

16 By: /s/ Shilpa G. Doshi
17 SEAN P. NALTY
18 SHILPA G. DOSHI
Attorneys for Defendants

19 Date: January 14, 2010 SPRINGER-SULLIVAN & ROBERTS, LLP

20 By: /s/ Michelle L. Roberts
21 Michelle L. Roberts
22 Cassie Springer-Sullivan
23 Attorneys for Plaintiff

24 **IT IS SO ORDERED.**

25 Dated: 1/15/10

26 
JEREMY FOGEL
United States District Judge

1
2
3 **CERTIFICATE OF SERVICE**

4 *Laura Allen v. Apple Inc. Long Term Disability Plan, et al.*
5 *USDC NDCA Case: C09-04459 JF*

6 I am a citizen of the United States. I am over the age of eighteen years and am not a party
7 to the within cause. I am employed in the City and County of San Francisco, California and my
8 business address is 525 California Street, 17th Floor, San Francisco, California 94105. On this
9 date I served the following document(s):

10 **STIPULATION REGARDING STANDARD OF REVIEW AND DISCOVERY**

11 on the parties identified below, through their attorneys of record, by placing true copies thereof in
12 sealed envelopes addressed as shown below by the following means of service:

13 ☐ : **By First Class Mail** -- I caused each such envelope, with first class postage thereon fully
14 prepaid, to be deposited in a recognized place of deposit of the U.S. Mail in San Francisco,
15 California, for collection to the office of the addressee following ordinary business practices.

16 ☐ : **By Personal Service** -- I caused each such envelope to be given to a courier messenger who
17 personally delivered each such envelope to the office of the address.

18 ☐ : **By Overnight Courier** -- I caused each such envelope to be given to an overnight mail
19 service at San Francisco, California, to be hand delivered to the office of the addressee on the next
20 business day.

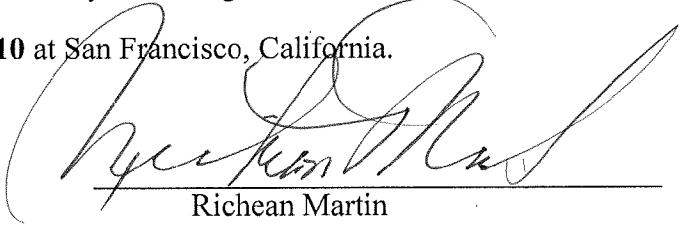
21 ☐ : **Facsimile** -- (Only where permitted. Must consult CCP § 1012.5 and California Rules of
22 Court 2001-2011. Also consult FRCP Rule 5(e). Not currently authorized in N.D.C.A.)

23 ☒ : **Electronic E-Filing** -- I caused the attached document to be electronically transmitted on the
24 Northern District website to the parties named below.

25
26 Cassie Springer-Sullivan (SBN 221506)
27 Michelle L. Roberts (SBN 239092)
28 SPRINGER, SULLIVAN & ROBERTS, LLP
410 -12th Street, Suite 325
Oakland, CA 94607
Tel: (510) 992-6130
Fax: (510) 280-7564
Attorneys for Plaintiff
Laura Allen

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 **January 14, 2010** at San Francisco, California.


Richean Martin