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12 Attorney for Plaintiff,  
**CAROLYN GARBARINO**  
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14 **UNITED STATES DISTRICT COURT**  
 15 **NORTHERN DISTRICT OF CALIFORNIA**  
 16 **SAN JOSE DIVISION**

17 CAROLYN GARBARINO,  
 18 Plaintiff,  
 19 vs.  
 20 LIFE INSURANCE COMPANY OF NORTH  
 AMERICA and TANDEM COMPUTERS,  
 21 INC. LONG TERM DISABILITY PLAN,  
 22 Defendants.  
 23

Case No.: 5:10-cv004581-LHK

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

Action Filed: October 8, 2010  
 Trial Date: None

24 **IT IS HEREBY STIPULATED**, by and between plaintiff Carolyn Garbarino and  
 25 defendant Life Insurance Company of North America, through their attorneys of record, as follows:

26 ///  
 27 ///  
 28 ///

I.

1           1.       The Court shall apply the de novo standard of review to determine whether plaintiff  
2 is disabled under the terms of the subject ERISA Plan and/or the subject group policy issued by  
3 LINA, which is the subject of this ERISA action.

4  
5 Dated: March 2, 2011

WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP

6  
7 By:           /s/ Charan M. Higbee            
8 ADRIENNE C. PUBLICOVER  
9 CHARAN M. HIGBEE  
10 Attorneys for Defendant,  
11 **LIFE INSURANCE COMPANY OF**  
12 **NORTH AMERICA**

11 Date: March 2, 2011

FLYNN, ROSE & PERKINS

13 By:           /s/ Charles B. Perkins            
14 CHARLES B. PERKINS  
15 Attorneys for Plaintiff  
16 **CAROLYN GARBARINO**

17 **ORDER**

18 **IT IS SO ORDERED.**

19  
20 Date: March 9, 2011

21 By:           Lucy H. Koh            
22 HONORABLE LUCY H. KOH  
23 UNITED STATES DISTRICT COURT  
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