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   Attorneys for Defendant
    THE PŘUDENTIAL INSURANCE COMPANY
   OF AMERICA
                       UNITED STATES DISTRICT COURT
 8
                    NORTHERN DISTRICT OF CALIFORNIA
 9
10
    BRIAN WHISNANT,
                                              Case No. CV11-05591 LHK
11
               Plaintiff.
                                              STIPULATION AS TO
12
                                              STANDARD OF REVIEW
13
         VS.
                                              Judge: Hon. Lucy H. Koh
    THE PRUDENTIAL INSURANCE
    COMPANY OF AMERICA,
                                              AND ORDER
15
               Defendant.
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18
         WHEREAS, this matter involves the denial of a claim for disability benefits
    under a group disability policy governed by the Employee Retirement Income
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20
    Security Act of 1974, 29 U.S.C. § 1001, et seq. ("ERISA");
21
         WHEREAS, the parties have come to an agreement regarding the applicable
   standard of review in this particular case;
23
         WHEREAS, the parties' agreement as to the standard of review pertains solely
   to this particular case and does not give rise to any waiver or prejudice in any future
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   cases brought against defendant THE PRUDENTIAL INSURANCE COMPANY OF
    AMERICA ("Prudential");
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                                                              Case No. CV11-05591 LHK
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                                                      STIPULATION AS TO STANDARD OF
                                                                           REVIEW
    125224.1
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1	IT IS HEREBY STIPULATED AND AGREED as follows by and between	
2	the parties hereto through their respective attorneys of record:	
3	1. The parties agree that	this Court shall apply a de novo standard of
4	review in this case. This Stipulation	regarding the appropriate standard of review is
5	specifically limited to the facts and ci-	rcumstances of this particular case.
6		
7		
8	IT IS SO STIPULATED.	
9		
10	Dated: April 24, 2012	Charles B. Perkins FLYNN, ROSE & PERKINS
11		
12		By: <u>//s/Charles B. Perkins</u>
13		Charles B. Perkins Attorney for Plaintiff
14		BRIAN WHISNANT
15		
16	Dated: April 24, 2012	Linda M. Lawson
17		Jason A. James MESERVE, MUMPER & HUGHES LLP
18		
19		By: //s/Jason A. James
20		Jason A. James Attorneys for Defendant
21 22		THE PŘUDENTIAL INSURANCE COMPANY OF AMERICA
23		
24		
25	IT IS SO ORDERED.	
26	25	Jucy H. Koh
27	Dated: April	
28		Hon. Lucy H. Koh Judge, Unit States District Court
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MUMPER &
HUGHES LLP

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Case No. CV11-05591 LHK STIPULATION AS TO STANDARD OF REVIEW