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 15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

17  
 18 RAINER GROWITZ, )  
 19 Plaintiff, )  
 20 vs. )  
 21 MOOG INC. GROUP BENEFITS PLAN, )  
 22 Defendant. )  
 23

Case No.: 5:15-cv-01172-RMW  
**CASE STATUS REPORT AND  
 STIPULATION AND []  
 ORDER EXTENDING CASE DEADLINES**

1 **CASE STATUS REPORT AND**  
2 **STIPULATION AND [PROPOSED] ORDER EXTENDING CASE DEADLINES**  
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4 Pursuant to the Court’s July 1, 2015 Order on Case Management Conference [Dkt. #22],  
5 Plaintiff Ranier Growtiz (“Plaintiff”) and Defendant Moog Inc. Group Benefits Plan (“Defendant,”  
6 collectively with Plaintiff, the “Parties”) hereby submit the following Case Status Report and  
7 Stipulation and [Proposed] Order Extending Case Deadlines:

8 WHEREAS, on July 2, 2015, Defendant produced the Administrative Record in this case;

9 WHEREAS, on July 13, 2014, Plaintiff produced his initial disclosures, which contain  
10 additional documents he asserts belong in the Administrative Record;

11 WHEREAS, on July 23, 2105, Defendant produced additional documents to address  
12 Plaintiff’s asserted gaps in and to supplement the Administrative Record;

13 WHEREAS, on August 5, 2015, Defendant produced further documents to address Plaintiff’s  
14 asserted gaps in and to supplement the Administrative Record;

15 WHEREAS, the Parties continue to work to address Plaintiff’s additional asserted gaps in the  
16 Administrative Record to ensure that both Plaintiff and Defendant agree that a complete  
17 Administrative Record has been produced and is available in this case;

18 WHEREAS, on July 24, 2015 counsel for Plaintiff and Defendant held a telephonic meet and  
19 confer conference to discuss (a) the standard of review applicable in this case, and (2) a proposed  
20 discovery plan;

21 WHEREAS, the Parties have been unable to reach an agreement regarding the applicable  
22 standard of review in this case or a discovery plan in light of the standard of review;

23 WHEREAS, the Parties agree, however, that a third-party review of the benefits claim at issue  
24 in this case could facilitate possible settlement;

25 WHEREAS, in light of that agreement, the Parties have selected an independent third party  
26 medical professional to review the Administrative Record and provide an evaluation of the benefit  
27 claim at issue in this case;

1 WHEREAS, the Parties anticipate that this independent third party will be completed by  
2 August 31, 2015;

3 WHEREAS, pursuant to the Court's May 12, 2015 Order Selecting ADR Process [Dkt. #16],  
4 the present deadline to complete Court-ordered mediation is August 10, 2015;

5 WHEREAS, the Parties agree that mediation is unlikely to be productive until after  
6 completion of the claim evaluation by the independent third-party reviewer;

7 **IT IS THEREFORE STIPULATED AND AGREED**, by Plaintiff and Defendant, by and  
8 through their respective counsel, that the Court is respectfully requested to order that:

9 1. The deadline for completion of the Court-ordered mediation be extended by 60-days,  
10 to October 9, 2015;

11 2. If that mediation does not resolve the case, the Parties will thereafter submit a proposal  
12 to the Court for resolution of disagreements regarding the appropriate standard of review applicable  
13 in this case and a discovery plan.

14 Dated: August 5, 2015

KANTOR & KANTOR, LLP

15 By: /s/ Lisa S. Kantor

16 Lisa S. Kantor  
17 Attorneys for Plaintiff,  
18 Rainer Growitz

19 Dated: August 5, 2015

TRUCKER HUSS

20 By: /s/ Sean T. Strauss

21 R. Bradford Huss  
22 Sean T. Strauss  
23 Attorneys for Defendant,  
24 Moog Inc. Group Benefits Plan

25 Pursuant to Civil Local Rule 5(i)(3), I attest that I have obtained Ms. Kantor's  
26 concurrence in the filing of this document.

27 DATED: August 5, 2015

/s/ Sean T. Strauss

28 Sean T. Strauss

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**ORDER**

Pursuant to the foregoing stipulation and request,

IT IS HEREBY ORDERED

1. The deadline for completion of mediation is extended by 60-days, to October 9, 2015;

2. If that mediation does not resolve the case, the Parties will thereafter submit a proposal to the Court for resolution of disagreements regarding the appropriate standard of review applicable in this case and a discovery plan.

IT IS SO ORDERED.

*Ronald M. Whyte*

Dated: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE RONALD M. WHITE  
Judge, United States District Court  
Northern District of California

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