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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY:



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1 Royal F. Oakes (80480), roakes@barwol.com
 2 Robert K. Renner (155283), rrenner@barwol.com
 3 Sara A. Maunder (238104), smaunder@barwol.com
 4 BARGER & WOLEN LLP
 5 19800 MacArthur Boulevard, 8th Floor
 6 Irvine, California 92612
 7 (949) 757-2800 / Fax (949) 752-6313
 8 Attorneys for Defendant
 9 Metropolitan Life Insurance Company

10
 11 UNITED STATES DISTRICT COURT
 12 SOUTHERN DISTRICT OF CALIFORNIA

13 DONALD RENO II,
 14 Plaintiff,

15 vs.

16 METROPOLITAN LIFE INSURANCE
 17 COMPANY, a California Corp., aka
 18 METLIFE DISABILITY, and DOES I -
 19 XX, Inclusive,
 20 Defendants.

CASE NO.: 06 CV 1862 H(LSPx)

21 STIPULATION OF COUNSEL FOR A
 22 THREE-WEEK EXTENSION OF
 23 TIME WITHIN WHICH DEFENDANT
 24 MAY RESPOND TO PLAINTIFF'S
 25 COMPLAINT; [PROPOSED] ORDER

26 Complaint Filed: August 14, 2006

1 Plaintiff Donald Reno II ("Reno") and Defendant Metropolitan Life
2 Insurance Company ("MetLife"), by and through their respective counsel, hereby
3 stipulate to extend the time within which MetLife may answer or otherwise respond
4 to Reno's Complaint filed in the San Diego County Superior Court on August 14,
5 2006, served upon MetLife on August 17, 2006 and removed to this Court on
6 September 14, 2006 based upon federal question jurisdiction.

7
8 As set forth in its removal pleadings, MetLife submits that this case is
9 governed by the Employee Retirement Income Security Act of 1974 ("ERISA"),
10 because Reno's claim for long-term disability benefits relates to the employee
11 welfare benefit plan established, maintained and sponsored by Reno's employer,
12 Siemens Corporation. MetLife further submits that Reno's two state-law causes of
13 action alleged in his Complaint are both preempted by ERISA.

14
15 At present, MetLife's responsive pleading is otherwise due on September
16 21, 2006 (five days after removal), and MetLife currently plans to file a motion to
17 dismiss. However, so that counsel for Reno has sufficient time to review MetLife's
18 removal documents and evaluate whether he will concede ERISA's application to this
19 case and preemption of his client's causes of action, the parties hereby stipulate that
20 MetLife shall have an additional three weeks, until October 12, 2006, in which to file
21 its responsive pleading.

22
23 By that time, the parties expect that Reno will either file an Amended
24 Complaint to eliminate the state-law causes of action advanced in the current
25 Complaint and to frame a claim for benefits exclusively under ERISA, or MetLife
26 will file its responsive pleading.

1 Good cause exists for this extension, so that the Court's calendar and
2 resources are not burdened by a motion that might be obviated through the
3 discussions between counsel. In addition, this extension is warranted so that the
4 parties do not spend the time and resources to respond to a Complaint that may be
5 superseded by an amended pleading.

6
7 IT IS SO STIPULATED.

8
9 DATED: September 15, 2006

LAW OFFICES OF JOSEPH REGO

10
11 By: *Joseph Rego*
12 JOSEPH REGO
13 Attorneys for Plaintiff
14 Donald Reno II

15 DATED: September 15, 2006

BARGER & WOLEN LLP

16
17 By: *Sara A. Maunder*
18 ROBERT K. KENNER
19 SARA A. MAUNDER
20 Attorneys for Defendant
21 Metropolitan Life Insurance Company

22 ORDER

23 Pursuant to the stipulation of the parties and good cause appearing, Defendant
24 Metropolitan Life Insurance Company shall have an additional three weeks in which
25 to answer or otherwise respond, such that a pleading filed on or before October 12,
26 2006 shall be deemed timely.

27 DATED: 9/15/06

28 *Marilyn L. Huff*
THE HONORABLE MARILYN L. HUFF