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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 JEROME HARRY, an individual

Case No.: 2:17-cv-00862-JCM-CWH

11 Plaintiff,

**STIPULATION AND
ORDER TO CONTINUE STAY OF
PROCEEDINGS**

12 v.

13 SCREEN ACTORS GUILD-PRODUCERS
PENSION PLAN, an ERISA Plan;
14 SCREEN ACTORS GUILD-PRODUCERS
HEALTH PLAN, an ERISA Plan, DOES 1-
15 10,

16 Defendants.

17 Plaintiff Jerome Harry ("Plaintiff"), and Defendants Screen Actors Guild-Producers
18 Pension Plan and Screen Actors Guild-Producers Health Plan ("Defendants", and together with the
19 Plaintiff, the "Parties"), by and through their undersigned counsel, hereby stipulate and agree,
20 subject to the Court's approval, to continue the stay of this action pending Defendants'
21 administrative review of similar, if not identical, benefit claims submitted by Yvette Wilson's
22 daughters, Rachel Wilson and Lauren McClain (the "Daughters").

23 In support of the Parties' stipulation, the Parties state as follows:

- 24 1. Plaintiff is the former husband of Yvette Wilson, now deceased ("Yvette").
25 2. The Screen Actors Guild-Producers Pension Plan is a pension fund in which
26 Defendant alleges that Yvette was a pensioner prior to her death. The Screen Actors Guild-
27 Producers Health Plan (which merged with the AFTRA Health Fund and is now the SAG-AFTRA
28 Health Plan) is a multiemployer group health plan in which Plaintiff alleges that Yvette was also a

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1 pensioner prior to her death. Defendants assert, among other things, that the SAG-AFTRA Health
2 Plan does not provide pension benefits.

3 3. Plaintiff filed this action on March 27, 2017 [ECF No. 1], alleging Defendants had
4 failed to pay amounts owed to Plaintiff, as a beneficiary, under the Screen Actors Guild-Producers
5 Pension Plan and the Screen Actors Guild-Producers Health Plan, including, but not limited to,
6 retroactive disability payments. Defendants deny generally the allegations in the complaint.

7 4. Yvette left two surviving daughters, Rachel Wilson and Lauren Webber (the
8 "Daughters"). The Daughters assert that, if Plaintiff is entitled to certain of Yvette's benefits, they
9 too are entitled to benefits.

10 5. Accordingly, and although the Daughters believe Plaintiff's unsuccessful efforts to
11 administratively resolve this dispute exhausted their own administrative requirement, the Daughters
12 are formally submitting for administrative review a claim to Defendants for the Daughters' alleged
13 share of their mother's benefits.

14 6. Should administrative proceedings fail to resolve the Daughters' claims, the
15 Daughters intend to file suit in this Court. In such an event, the Parties agree that Plaintiff's claims
16 and the Daughters' claims should be litigated in the same action.

17 7. Plaintiff and Defendants (collectively, the "Parties") filed a Stipulation and
18 [Proposed] Order to Stay Proceedings on September 13, 2017 [ECF No. 27] to allow the Daughters
19 to formally submit for administrative review a claim to Defendants for the Daughters' alleged share
20 of their mother's benefits.

21 8. The Court granted the Stipulation and Order to Stay Proceedings [ECF No. 28] on
22 December 20, 2017, which stayed the proceedings through and including June 20, 2018.

23 9. Plaintiff and the Daughters submitted their formal claim to Defendants regarding
24 Yvette's disability pension (the "Claim") via Certified Mail on October 6, 2017.

25 10. Defendants denied Plaintiff and the Daughters' Claim on November 17, 2017 via
26 correspondence from Defendants' counsel, Michelle McCarthy.

27 11. Pursuant to the Screen Actors Guild-Producers Pension Plan, Plaintiff and the
28 Daughters had one hundred eighty (180) days (May 16, 2018) to appeal the denial of their Claim.

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1 12. On May 9, 2018, counsel for Defendants granted an extension of 45 days (June 30,
2 2018) for Plaintiff and the Daughters to submit their appeal.

3 13. On May 16, 2018, counsel for Rachel Wilson ("Wilson") filed her Petition for
4 Special Letters of Administration in the Eighth Judicial District Court in the action styled *In the*
5 *Matter of the Estate of: Yvette Wilson*, Case No. P-18-095408-E ("Probate Action").

6 14. On June 4, 2018, an Order Appointing Special Administrator was filed in the
7 Probate Action appointing Rachel Wilson as Special Administrator over Yvette's estate.

8 15. Wilson is in the process of executing the Special Letters of Administration with the
9 Clerk of the Eighth Judicial District Court.

10 16. On or before June 30, 2018, counsel for Plaintiff and the Daughters will submit their
11 formal appeal of Defendants' denial of their Claim.

12 17. Accordingly, the Parties request that the stay of proceedings be continued an
13 additional one hundred fifty (150) days (November 17, 2018) or until the Parties notify the Court
14 that the administrative procedures have been finalized.

15 18. Notwithstanding any stay of these proceedings, the Parties agree that discovery,
16 including through depositions, may be obtained during the stay period from Marvin Snyder in light
17 of Mr. Snyder's advanced age and uncertain health. The Parties' ability to take the deposition of
18 Mr. Snyder is a condition for their agreement to the stay.

19 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the
20 Parties, subject to the Court's approval, as follows:

- 21 a. The stay of this action shall be continued an additional one hundred fifty
22 (150) days, through and including November 17, 2018.
- 23 b. For the duration of the stay, any statute of limitations or other time bar or
24 specified time period to take action shall not run against any claim held by
25 the Daughters that is cognizable on the date on which the Court enters its
26 order approving this stipulation. However, any statute of limitation or other
27 time-period that has already expired as of that date shall not be affected by
28 this stay.

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- c. In the event the Parties are unable to resolve their dispute during the stay period, the Parties shall meet and confer within fourteen (14) days of the expiration of the stay period and, within ten (10) days thereafter, file (i) a case status report setting forth the status of the Parties' dispute and (ii) a proposed revised Discovery Plan and Scheduling Order for the Court's review.
- d. Notwithstanding the stay of these proceedings, the Parties shall be entitled to take the deposition of, and seek discovery from via subpoena or otherwise, Marvin Snyder during the stay period.

Dated this 14th day of June, 2018.

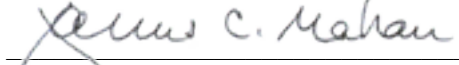
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Actors Guild-Producers Health Plan*

IT IS SO ORDERED.


UNITED STATES DISTRICT COURT JUDGE

June 18, 2018
Dated: _____