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16 **UNITED STATES DISTRICT COURT**
17 **EASTERN DISTRICT OF CALIFORNIA**

18
19 **JERRY WOODARD,**)
Plaintiff,) CASE No.: 2:08-CV-00894 LKK-KJM
20)
21 vs.) **STIPULATION FOR LEAVE OF COURT**
22) **FOR DEFENDANTS TO FILE**
23 **METROPOLITAN LIFE INSURANCE**) **COUNTERCLAIM; [PROPOSED] ORDER**
24 **COMPANY, VERIZON WIRELESS**) **THEREON**
25 **GROUP LONG TERM DISABILITY**)
26 **PLAN,**)
27 Defendants.)
28

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STIPULATION FOR LEAVE OF COURT FOR DEFENDANTS TO FILE COUNTERCLAIM; [PROPOSED] ORDER
CASE NO.: 2:08-CV-00894 LKK-KJM

1 TO THE HONORABLE LAWRENCE K. KARLTON AND HIS COURT CLERK:

2
3 IT IS HEREBY STIPULATED, BY AND BETWEEN ALL PARTIES AND THEIR
4 COUNSEL OF RECORD, THAT:

5 1. The July 22, 2008 Joint Status Report filed with this Court indicated that, “[i]n the
6 event the parties are unsuccessful in settling the case at the [Voluntary Dispute Resolution Program
7 (“VDRP”)] mediation, Plaintiff has agreed to stipulate to permit Defendants [Metropolitan Life
8 Insurance Company and Verizon Wireless Group Long Term Disability Plan (“Defendants”)] to file
9 their cross-claim relating to the overpayment of benefits without a written motion.” Joint Status
10 Report, Docket No. 8 at 4:16-18.

11 2. At the August 4, 2008 Status Conference for the above-captioned matter, counsel for
12 Defendants reported that Defendants plan to file a counterclaim (in light of retroactive Social
13 Security Disability Insurance benefits awarded to Plaintiff, which constitute permissible offsets
14 under the ERISA-governed Plan) should the matter not be resolved at the VDRP mediation.

15 3. The Status (Pre-Trial Scheduling) Conference Order issued by this Court on August
16 6, 2008 ordered that Plaintiff is granted twenty (20) days from the date of completion of the VDRP
17 mediation to file an amended complaint, but did not indicate whether Defendants were granted
18 leave to file a counterclaim should the matter not be resolved at the VDRP mediation.

19 4. The parties stipulate that Defendants shall be granted leave to file a counterclaim
20 within twenty (20) days from the date of completion of the VDRP mediation.

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22 IT IS SO STIPULATED.

23
24 Dated: August 14, 2008

LAW OFFICES OF JESSE S. KAPLAN

25 By: /s/ by RKR

26 JESSE S. KAPLAN
27 Attorney for Plaintiff
28 Jerry Woodard

ORDER

Pursuant to the foregoing stipulation of the parties, by and through their respective attorneys of record, and good cause appearing, Defendants Metropolitan Life Insurance Company and Verizon Wireless Group Long Term Disability Plan are granted twenty (20) days from the date of completion of the VDRP mediation to file a counterclaim, without the need for a written motion.

IT IS SO ORDERED.

DATED: August 18, 2008.



LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT