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18 **UNITED STATES DISTRICT COURT**  
19 **NORTHERN DISTRICT OF CALIFORNIA**  
20 **OAKLAND DIVISION**

21 MARA BERTON, on behalf of herself and all  
22 others similarly situated,  
23 Plaintiff,

24 v.

25 AETNA INC. and AETNA LIFE  
26 INSURANCE COMPANY,  
27 Defendants.

Case No. 4:23-cv-01849-HSG

**STIPULATION TO EXTEND TIME TO  
RESPOND TO COMPLAINT**

1 Michelle Banker (admitted *pro hac vice*)  
2 Alison Tanner (admitted *pro hac vice*)  
3 Noel León (admitted *pro hac vice*)  
4 Sudria Twyman (admitted *pro hac vice*)  
5 Sunu Chandy (renewed *pro hac vice*  
6 application pending)  
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16 *Attorneys for Plaintiff & the putative class*

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1 Pursuant to Civil Local Rule 6-1(a), Plaintiff Mara Berton (“Berton”) and Defendants  
2 Aetna Inc. and Aetna Life Insurance Inc. (“Aetna”) (collectively, the “Parties”), by and through  
3 their undersigned counsel, hereby stipulate as follows:

4 WHEREAS, Berton filed a Complaint against Aetna in the above-captioned matter on  
5 April 17, 2023;

6 WHEREAS, Berton served the Complaint on Aetna Life Insurance Company on May 1,  
7 2023, and served the Complaint on Aetna Inc. on May 2, 2023;

8 WHEREAS, pursuant to Federal Rules of Civil Procedure 12(a), Aetna Life Insurance  
9 Company’s deadline to answer or otherwise respond to the Complaint was May 22, 2023, and  
10 Aetna Inc.’s deadline to answer or otherwise respond to the Complaint was May 23, 2023;

11 WHEREAS, Aetna requires additional time to review the Complaint and prepare a  
12 response;

13 WHEREAS, the Parties have met and conferred and agree that both Defendants’ response  
14 deadline should be extended approximately 55 days, so that Aetna will have until July 17, 2023 to  
15 answer or otherwise respond to the Complaint;

16 WHEREAS, the Order Setting Initial Case Management Conference and ADR Deadlines  
17 (ECF No. 4) set the following deadlines, which continue to be operative after the case’s  
18 reassignment to Judge Haywood S. Gilliam (*see* ECF No. 20):

- 19 • June 28, 2023: last day to meet and confer re: initial disclosures, early settlement,  
20 ADR process selection, and discovery plan; last day to file ADR Certification  
21 signed by Parties and Counsel;
- 22 • July 12, 2023: last day to file Rule 26(f) report and complete initial disclosures;

23 WHEREAS, the Court set an Initial Case Management Conference for July 25, 2023, with  
24 a Case Management Statement due by July 18, 2023 (ECF No. 21);

25 WHEREAS, Aetna is contemplating filing a Motion to Dismiss the Complaint pursuant to  
26 Federal Rule of Civil Procedure 12;

27 WHEREAS, in the event Aetna files a Motion to Dismiss, the parties agree that the  
28

1 briefing schedule should be mutually agreeable;

2 WHEREAS, the Parties agree that the current deadlines for completing ADR compliance,  
3 initial disclosures, the Rule 26(f) report, and the Case Management Statement, as well as the date  
4 of the July 25, 2023 Initial Case Management Conference, should be continued to a date after  
5 Aetna answers or otherwise responds to the Complaint;

6 THEREFORE, IT IS HEREBY STIPULATED AND AGREED that:

- 7
- 8 • Aetna shall answer or otherwise respond to the Complaint in the above-captioned matter  
on or before July 17, 2023;
  - 9 • In the event Aetna files a Motion to Dismiss, Plaintiff's opposition shall be due August  
10 21, 2023, Aetna's reply shall be due September 14, 2023, and the hearing shall be set for  
11 September 28, 2023 at 2:00 p.m., or the Court's next available date;
  - 12 • The current ADR compliance, initial discovery, and Rule 26(f) report deadlines are  
13 vacated and continued to a date to be determined during the Initial Case Management  
14 Conference or in an initial Case Management Order;
  - 15 • The Initial Case Management Conference currently set for July 25, 2023 is vacated and  
16 continued to August 8, 2023 at 2:00 p.m., or the Court's next available date, with a Case  
17 Management Statement due one week prior.

18 The Parties respectfully request that the Court enter the [Proposed] Order filed herewith,  
19 which reflects the terms of this Stipulation.

20  
21 Respectfully submitted,

22 Dated: May 30, 2023

**O'MELVENY & MYERS LLP**

*/s/ Susannah K. Howard*

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Insurance Inc.*

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Dated: May 30, 2023

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*/s/ Connie K. Chan*

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*Attorneys for Plaintiff & the putative class*

**SIGNATURE ATTESTATION**

Pursuant to Local Rule 5-1(h)(3) regarding signatures, I, Susannah K. Howard, hereby attest that concurrence in the filing of this document has been obtained from the other signatory to this document.

*/s/ Susannah K. Howard*

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Susannah K. Howard

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

MARA BERTON, on behalf of herself and all others similarly situated,  
Plaintiff,  
  
v.  
  
AETNA INC. and AETNA LIFE INSURANCE COMPANY,  
  
Defendants.

Case No. 4:23-cv-01849-HSG

**[PROPOSED] ORDER GRANTING STIPULATION TO EXTEND TIME TO RESPOND TO COMPLAINT**

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Pursuant to the Parties’ stipulation and for good cause shown, the Court hereby orders:

- Both Aetna Inc. and Aetna Life Insurance Inc. (collectively, “Aetna”) shall answer or otherwise respond to the Complaint in the above-captioned matter on or before July 17, 2023;
- In the event Aetna files a Motion to Dismiss, Plaintiff’s opposition shall be due August 21, 2023, Aetna’s reply shall be due September 14, 2023, and the hearing shall be set for September 28, 2023 at 2:00 p.m., or the Court’s next available date;
- The current ADR compliance, initial discovery, and Rule 26(f) report deadlines are vacated and continued to a date to be determined during the Initial Case Management Conference or in an initial Case Management Order;
- The Initial Case Management Conference currently set for July 25, 2023 is vacated and continued to August 8, 2023 at 2:00 p.m., or the Court’s next available date, with a Case Management Statement due one week prior.

IT IS SO ORDERED.

Date: \_\_\_\_\_

\_\_\_\_\_  
 Hon. Haywood S. Gilliam, Jr.  
 District Court Judge  
 U.S. District Court for the Northern District  
 of California