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**Additional counsel listed on following page*

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 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 INSURANCE
26 COMPANY,

27 Defendants.

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

**STIPULATION AND [PROPOSED]
ORDER CONTINUING MARCH 4,
2025, CASE MANAGEMENT
CONFERENCE TO AVOID
CONFLICT WITH SCHEDULED
MEDIATION**

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25 *Attorneys for Plaintiff and the Putative Class*

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1 Counsel for the parties to the above-entitled action have met and conferred regarding
2 the proposed continuance of the case management conference scheduled by the Court for
3 March 4, 2025, at 2:00 p.m. (ECF No. 110) and hereby jointly request a one-week continuance
4 of the case management conference to March 11, 2024, at 2:00 p.m. to enable the Parties to
5 complete their scheduled mediation on March 4, 2025.

6 WHEREAS, as set forth in the Parties' Joint Stipulation Requesting Extension of
7 Deadlines Set in November 26, 2024, Amended Scheduling Order filed on February 25, 2025
8 (ECF No. 108), the Parties have a third and final mediation scheduled in this matter on March
9 4, 2025;

10 WHEREAS, the mediation is a full-day session with Hon. Steven Gold which will not
11 be completed by 2:00 p.m., and it is the Parties' hope that the session will end with a signed
12 term sheet;

13 WHEREAS, ending the mediation early to attend a case management conference would
14 reduce the likelihood of resolving this matter on March 4, 2025;

15 WHEREAS, if the Parties do sign a term sheet on March 4, 2025, or in the week
16 thereafter, a case management conference on March 11, 2025, may be utilized to set a deadline
17 for the filing of a preliminary approval motion;

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1 THE PARTIES THEREFORE stipulate and jointly respectfully request that the case
2 management conference scheduled for March 4, 2025, at 2:00 p.m. be continued for one week
3 for good cause to March 11, 2025, at 2:00 p.m.

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5 Respectfully submitted,

6 **KATZ BANKS KUMIN LLP**

7
8 DATED: February 27, 2025 /s/ Rebecca Peterson-Fisher

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18 DATED: February 27, 2025 /s/ Earl B. Austin

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Attorneys for Defendants Aetna Inc. and Aetna Life Insurance Inc.

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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4 DATED: _____

HON. HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT JUDGE

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SIGNATURE ATTESTATION

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Pursuant to Local Rule 5-1(i)(3) regarding signatures, I, Rebecca Peterson-Fisher, hereby attest that concurrence in the filing of this document has been obtained from the other signatory to this document.

/s/ Rebecca Peterson-Fisher
Rebecca Peterson-Fisher

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17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA,
19 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 INSURANCE
26 COMPANY,
27 Defendants.

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

**DECLARATION OF REBECCA
PETERSON-FISHER IN SUPPORT
OF STIPULATION AND
[PROPOSED] ORDER
CONTINUING MARCH 4, 2025,
CASE MANAGEMENT TO AVOID
CONFLICT WITH SCHEDULED
MEDIATION**

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DECLARATION OF REBECCA PETERSON-FISHER

I, Rebecca Peterson-Fisher, hereby declare as follows:

1. I am an attorney at the law firm of Katz Banks Kumin LLP, counsel of record for Plaintiff Mara Berton and the putative class in this action. I submit this declaration in support of the Stipulation and [Proposed] Order Continuing March 4, 2025, Case Management Conference to Avoid Conflict With Scheduled Mediation pursuant to Civil Local Rules 6-2 and 7-12 and the Court’s Standing Order for Civil Cases. I am fully familiar, based on personal knowledge, with the facts set forth in this declaration and if called as a witness in this action, I could and would testify competently to these facts.

2. On October 30, 2024, Plaintiff Mara Berton (“Plaintiff”) and Defendants Aetna, Inc. and Aetna Life Insurance Company (“Aetna” or “Defendants”) (collectively, the “Parties”) attended a full-day mediation with Hon. Steven M. Gold, a former United States Magistrate Judge in the Eastern District of New York and a respected and well-known mediator with extensive experience mediating class actions, who successfully mediated a class settlement in a related case against Defendant Aetna Life Insurance Company involving a New York-only class, *Goidel et al. v. Aetna Life Ins. Co.*, Case No. 1:21-cv-07619-VSB-VF, ECF No. 98 (granting preliminary approval).

3. The mediation was fruitful, and the Parties have continued to be engaged in good faith settlement discussions in the months since the first mediation.

4. The Parties have been diligently and cooperatively working with one another to prioritize discovery relevant to their mediation efforts in the months since the first mediation.

5. On February 18, 2025, the Parties attended a second full-day mediation with Hon. Steven M. Gold, and made considerable additional progress toward settlement, including by reaching tentative agreement as to injunctive relief.

6. At the end of the mediation, the Parties determined that they need additional time to gather necessary data, and to continue settlement discussions about monetary relief.

1 7. The Parties have scheduled a third and final mediation session with Hon. Steven
2 M. Gold on March 4, 2025, and mutually hope to reach a final agreement as to both injunctive
3 and monetary relief on that day.

4 8. On February 25, 2025, the Parties filed a Joint Stipulation Requesting Extension
5 of Deadlines Set in November 26, 2024, Amended Scheduling Order (ECF No. 108) seeking a
6 ninety-day extension of the deadline to file Plaintiff's motion for class certification and the
7 associated briefing deadlines and hearing date in light of continuing settlement discussion and
8 the upcoming March 4, 2025, mediation.

9 9. On February 26, 2025, the Court set a Case Management Conference for 2:00
10 p.m. on March 4, 2025, during the Parties' scheduled mediation (ECF No. 110).

11 10. Counsel for the Parties have met and conferred and agree that ending the
12 mediation early to attend a case management conference would reduce the likelihood of this
13 matter resolving on March 4, 2025, and therefore the Parties seek a one-week continuance of
14 the case management conference to March 11, 2025, at 2:00 p.m.

15 11. Moreover, if the Parties sign a term sheet on March 4, 2025, or during the week
16 thereafter, a case management conference on March 11, 2025, may be utilized to set a deadline
17 for the filing of a preliminary approval motion.

18 12. This is the Parties' first request for a continuance of the March 4, 2025, case
19 management conference.

20 I declare under penalty of perjury under the laws of the State of California and the
21 United States that the foregoing is true and correct. Executed this 27th day of February 2025 in
22 San Francisco, California.

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24 Dated: February 27, 2025

KATZ BANKS KUMIN LLP

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27 _____
Rebecca Peterson-Fisher
Attorney for Plaintiff