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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

**JOINT STIPULATION
REQUESTING SECOND
EXTENSION OF DEADLINE TO
MOVE FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT AND
CONTINUANCE OF HEARING**

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Attorneys for Plaintiff and the Putative Class

1 Counsel for the parties to the above-entitled action have met and conferred regarding
2 the proposed change to the case schedule set forth herein. Pursuant to Civil Local Rules 6-2 and
3 7-12 and the Court's Standing Order for Civil Cases, Plaintiff Mara Berton ("Plaintiff") and
4 Defendants Aetna, Inc. and Aetna Life Insurance Company ("Aetna" or "Defendants")
5 (collectively, the "Parties"), by and through their attorneys of record herein, submit the
6 following Joint Stipulation Requesting Second Extension of Deadline to Move for Preliminary
7 Approval of Class Action Settlement and Continuance of Hearing to extend the deadline to
8 submit a motion for preliminary approval currently set for July 21, 2025 (ECF No. 124) to
9 August 21, 2025, and continue the preliminary approval hearing currently set for August 28,
10 2025 at 2:00 pm (ECF No. 125) to September 25, 2025 at 2:00 pm, or as soon as thereafter as
11 the Court is available.

12 WHEREAS, after attending three full-day mediation sessions with Hon. Steven M.
13 Gold, including most recently on March 4, 2025, the parties reached a settlement in principle as
14 to nearly all material terms regarding substantive monetary and non-monetary relief;

15 WHEREAS, at the March 11, 2025 case management conference before the Court, the
16 parties reported that they had reached a settlement in principle but were still negotiating several
17 specific items on their term sheet, and the Court vacated all pending deadlines and set a
18 deadline for submitting a motion for preliminary approval of June 20, 2025;

19 WHEREAS, the Parties cooperated in good faith to negotiate the term sheet, but only
20 reached agreement on material non-monetary and monetary terms such that they were able to
21 execute a memorandum of understanding on May 23, 2025;

22 WHEREAS, the Parties filed a joint stipulation on May 29, 2025 to extend the deadline
23 to submit a motion for preliminary approval to July 21, 2025 to afford the Parties adequate time
24 to finalize a long-form settlement agreement and agree on a Claims Administrator (ECF No.
25 123);

1 WHEREAS, the Court signed the parties' stipulation on May 30, 2025 (ECF No. 124),
2 and issued an Amended Scheduling Order setting a hearing date for August 28, 2025 at 2:00
3 p.m. on June 26, 2025 (ECF No. 125);

4 WHEREAS, Plaintiff has drafted a proposed long-form settlement agreement, obtained
5 bids from several claims administrators, and proposed a Claims Administrator to Defendants;

6 WHEREAS, the Parties have reviewed and have actively been discussing the proposed
7 long-form settlement agreement, however the Parties need additional time to reach final
8 agreement on certain terms and to execute the long-form settlement agreement;

9 WHEREAS, although Plaintiff has proposed a Claims Administrator who has in the
10 past met Defendants' security requirements for settlement administration, there have been
11 substantial changes under the Health Insurance Portability and Accountability Act ("HIPAA")
12 and the Health Information Technology for Economic and Clinical Health ("HITECH") Act
13 that require Defendants to conduct an updated National Institute of Standards and Technology
14 ("NIST") compliance audit for any vendor before they can be hired and given access to
15 personal health information, even if that vendor has worked for Aetna in the past;

16 WHEREAS, the Parties must determine whether the proposed Claims Administrator
17 can undergo the audit in a reasonable time period or whether a different Claims Administrator
18 should be used;

19 WHEREAS, Plaintiff has proposed a Claims Administrator that has not yet undergone a
20 NIST compliance audit with Defendants, so Defendants require additional time to undertake
21 that audit process and confirm the proposed Claims Administrator has passed before they can
22 be approved for this settlement;

23 WHEREAS, the Parties have conferred and agree that another one-month extension of
24 the deadline to submit the motion for preliminary approval is necessary to provide the Court
25 with a final, signed long-form settlement agreement identifying an agreed-upon Claims
26 Administrator and proposed Class Notice and claim forms;

WHEREAS, the Parties have previously requested a single one-month extension of the deadline to submit the motion for preliminary approval and have not previously sought a continuance of the preliminary approval hearing;

THE PARTIES THEREFORE stipulate and jointly respectfully request that the deadline to submit the motion for preliminary approval set forth in the Court's May 30, 2025 Order (ECF No. 124) be extended for good cause by one month and the preliminary approval hearing be continued for good cause by four weeks as follows:

Event	Current Deadline	Stipulated Deadline
Deadline to file motion for preliminary approval of class action settlement	July 21, 2025	August 21, 2025
Hearing on motion for preliminary approval of class action settlement	August 28, 2025 at 2:00 pm	October 2, 2025 at 2:00 pm

Respectfully submitted,

KATZ BANKS KUMIN LLP

DATED: July 15, 2025

/s/ Rebecca Peterson-Fisher

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DATED: July 15, 2025

/s/ Earl B. Austin

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Life Insurance Inc.*

SIGNATURE ATTESTATION

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

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2

3 DATED: _____

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

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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

**DECLARATION OF REBECCA
PETERSON-FISHER IN SUPPORT
OF JOINT STIPULATION
REQUESTING SECOND
EXTENSION OF DEADLINE TO
MOVE FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT AND
CONTINUANCE OF HEARING**

DECL. OF REBECCA PETERSON-FISHER ISO JOINT STIPULATION REQUESTING SECOND
EXTENSION OF DEADLINE TO MOVE FOR PRELIMINARY APPROVAL OF CLASS ACTION
SETTLEMENT AND CONTINUANCE OF HEARING

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

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 Joint Stipulation Requesting Second Extension of Deadline to Move for Preliminary Approval of Class Action Settlement and Continuance of Hearing 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, February 18, 2025, and March 4, 2024, Plaintiff Mara Berton ("Plaintiff") and Defendants Aetna, Inc. and Aetna Life Insurance Company ("Aetna" or "Defendants") (collectively, the "Parties") attended a full-day mediations 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. At the March 11, 2025 case management conference before the Court, the parties reported that they had reached a settlement in principle but were still negotiating several specific items on their term sheet, and the Court vacated all pending deadlines and set a deadline for submitting a motion for preliminary approval of June 20, 2025.

4. The Parties cooperated in good faith to negotiate the final items on their term sheet but only reached agreement on material non-monetary and monetary terms such that they were able to execute a memorandum of understanding on May 23, 2025.

5. The Parties filed a joint stipulation on May 29, 2025, to extend the deadline to submit a motion for preliminary approval to July 21, 2025 to afford the Parties adequate time to

1 draft and finalize a long-form settlement agreement and agree on a Claims Administrator. ECF
2 No. 123.

3 6. The Parties have reviewed and are actively discussing a draft long-form
4 settlement agreement; however, the Parties need additional time to reach final agreement on
5 certain terms and to execute the long-form settlement agreement.

6 7. Defendants made Plaintiff aware that any Claims Administrator would need to
7 have security protocols sufficient to meet Defendants' requirements for the safeguarding of
8 sensitive medical information. Accordingly, having obtained bids from several Claims
9 Administrators, Plaintiff proposed the Parties agree to use a Claims Administrator who has
10 been approved by Defendants in the past.

11 8. However, in a call to discuss the long-form settlement agreement on July 11,
12 2025, Defendants' counsel represented to Plaintiff's counsel that Defendants have new security
13 protocols and even current vendors must undergo compliance audits to continue working with
14 Defendants. Defendants' counsel later explained that these new protocols are due to substantial
15 changes under the Health Insurance Portability and Accountability Act ("HIPAA") and the
16 Health Information Technology for Economic and Clinical Health ("HITECH") Act, and these
17 changes required Defendants to conduct an updated National Institute of Standards and
18 Technology ("NIST") compliance audit for any vendor before they can be hired and given
19 access to personal health information, even if that vendor has worked for Aetna in the past.

20 9. Defendants' counsel have represented they will determine whether the proposed
21 Claims Administrator can undergo this compliance audit within a reasonable time period. If
22 not, the Parties must determine whether another Claims Administrator should be used to avoid
23 delay in the administration of the Proposed Settlement.

24 10. The Parties have conferred and agree that a second one-month extension of the
25 deadline to submit the motion for preliminary approval set forth in the Court's set forth in the
26 Court's May 30, 2025 Order (ECF No. 124) and an extension of the preliminary approval
27 hearing currently set for August 28, 2025 are necessary for the Parties to conclude their


1 negotiation of the long-form settlement agreement and confirm which Claims Administrator
2 will be proposed in the preliminary approval motion.

3 11. The Parties previously requested one thirty-day extension of the deadline to
4 submit a motion for preliminary approval. The Parties have not previously requested a
5 continuance of the preliminary approval hearing date.

6
7 I declare under penalty of perjury under the laws of the State of California and the
8 United States that the foregoing is true and correct. Executed this 15th day of July in San
9 Francisco California.

10
11 Dated: July 15, 2025

KATZ BANKS KUMIN LLP

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14 _____
Rebecca Peterson-Fisher
Attorney for Plaintiff