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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 THIRD EXTENSION
OF DEADLINE TO MOVE FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT
AND CONTINUANCE OF
HEARING**

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25 *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 Third 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 August 21, 2025 (ECF No. 129) to
9 September 30, 2025, and to continue the preliminary approval hearing currently set for October
10 2, 2025 at 2:00 pm (ECF No. 129) to November 6, 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 drafted a proposed long-form settlement agreement, obtained bids
5 from several claims administrators, and proposed a Claims Administrator to Defendants, and
6 the Parties engaged in further review and discussion of the long-form settlement agreement;

7 WHEREAS, due to changes to the Health Insurance and Health Insurance Portability
8 and Accountability Act ("HIPAA") and the Health Information Technology for Economic and
9 Clinical Health ("HITECH") Act that require Defendants to conduct an updated National
10 Institute of Standards and Technology ("NIST") compliance audit for any vendor before they
11 can be hired and given access to personal health information, even if that vendor has worked
12 for Aetna in the past, the Parties required additional time to determine whether the proposed
13 Claims Administrator could undergo a NIST compliance audit within a reasonable time period
14 or whether a different vendor should be used;

15 WHEREAS, on July 15, 2025 the Parties filed a Joint Stipulation and Request for
16 Second Extension of Deadline to Move for Preliminary Approval of Class Action Settlement
17 and Continuance of Hearing (ECF No. 128) seeking an extension of time until August 21, 2025
18 to file a motion for preliminary approval and a continuance of the preliminary approval hearing
19 set for August 28, 2025 to October 2, 2025, which the Court granted on July 16, 2025 (ECF
20 No. 129);

21 WHEREAS, the Parties have since then made substantial progress on the outstanding
22 terms to be negotiated, including agreeing to a different Claims Administrator that has
23 completed a NIST audit and meets Defendant's security requirements;

24 WHEREAS, in-house counsel for Aetna was unexpectedly out of the office due to a
25 family medical emergency last week;

26 WHEREAS, in-house counsel has been heavily involved in settlement discussions and
27 his participation in finalizing the long-form agreement and other remaining open items is vital;

WHEREAS, in-house counsel has now returned to the office, however, due to in-house counsel's unexpected absence, the Parties believe additional time is necessary to finalizing the long-form settlement agreement;

WHEREAS, pursuant to the Northern District of California's Procedural Guidance for Class Action Settlements paragraph 11, the motion for preliminary approval should include detailed information regarding settlements in comparable cases;

WHEREAS, the motion for final approval in the comparable case of *Goidel et al. v. Aetna Life Insurance Company*, Southern District of New York Case No. 1:21-cv-07619 (VSB) is due on September 25, 2025;

WHEREAS, an extension of time to file the motion for preliminary approval in this case to September 30, 2025 will enable Plaintiff's counsel to provide the Court with the number of class members and the number of claim forms submitted in the *Goidel* settlement;

WHEREAS, the Parties have conferred and agree that an extension of the deadline to submit the motion for preliminary approval is necessary to provide the Court with a final, signed long-form settlement agreement and proposed Class Notice and claim forms and to provide the Court with relevant information regarding the *Goidel* settlement;

WHEREAS, the Parties have previously requested two one-month extensions of the deadline to submit the motion for preliminary approval and one four-week continuance of the hearing on preliminary approval;

THE PARTIES THEREFORE stipulate and jointly respectfully request that the deadline to submit the motion for preliminary approval set forth in the Court's July 16, 2025 Order (ECF No. 129) be extended for good cause to September 30, 2025 and the preliminary approval hearing be continued for good cause to November 6, 2025 as follows:

Event	Current Deadline	Stipulated Deadline
Deadline to file motion for preliminary approval of class action settlement	August 21, 2025	September 30, 2025
Hearing on motion for preliminary approval of class action settlement	October 2, 2025 at 2:00 pm	November 6, 2025 at 2:00 pm

Respectfully submitted,

KATZ BANKS KUMIN LLP

DATED: August 13, 2025

/s/ Rebecca Peterson-Fisher

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DATED: August 13, 2025

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DATED: August 13, 2025

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Attorneys for Defendants Aetna Inc. and Aetna 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

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____

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