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7 **UNITED STATES DISTRICT COURT**
 8 **CENTRAL DISTRICT OF CALIFORNIA**

10 NEW YORK LIFE INSURANCE)
 11 COMPANY, a New York corporation,,)
 12 Plaintiff,)
 13 vs.)
 14 JOHN D. NGUYEN, an individual;)
 15 MARGARET L. BURKLUND, an)
 individual; DALE C. BURKLUND, an)
 16 individual; BJOR L. BURKLUND, an)
 individual; MICHAEL K. WATSON,)
 17 an individual; and DOES 1 through 10,)
 inclusive,,)
 18 Defendants.)

CASE NO.: CV 08-05375 RGK (PLAx)

**[PROPOSED] JUDGMENT AND
 ORDER ON THE STIPULATION
 OF PARTIES FOR DISCHARGE
 AND DISMISSAL WITH
 PREJUDICE OF PLAINTIFF NEW
 YORK LIFE INSURANCE
 COMPANY, FOR AWARD OF ITS
 REASONABLE ATTORNEYS'
 FEES AND COSTS; FOR
 PERMANENT INJUNCTION; AND
 FOR DISBURSEMENT OF
 INTERPLED FUNDS TO
 CLAIMANTS JOHN D, NGUYEN,
 BJOR L. BURKLUND, MARGARET
 L. BURKLUND AND DALE C.
 BURKLUND**

Complaint Filed: August 15, 2008

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24 cc: Fiscal (funds on deposit)
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[PROPOSED] JUDGMENT AND ORDER

Having considered all the documents on file in this action, including the stipulation of the parties who have appeared in this action, and good cause appearing, it is ordered, adjudged and decreed that:

1. That New York Life be discharged of any and all liability with respect to the Policy, the Policy Benefits, and any and all rights and obligations arising under or relating to the Policy;
2. That Decedent’s Parents, Decedent’s Sister, Nguyen, and each of them, their predecessors, successors, heirs, agents, assigns or attorneys, be enjoined perpetually, restraining each of them, their predecessors, successors, heirs, agents, assigns or attorneys, from instituting any suit at law or equity, or action of any kind whatsoever, against New York Life with respect to the Policy, the Policy Benefits or any and/or all rights and obligations arising under or relating to the Policy;
3. That New York Life be awarded the sum of \$14,339.27 as its reasonable attorneys’ fees and costs incurred in this action, to be deducted from the Interpled Funds, to be made payable via a check to “New York Life Insurance Company” and to be mailed to his counsel of record in this action (Barger & Wolen LLP);
4. That New York Life be dismissed from this action with prejudice;
5. That Nguyen be awarded an amount equal to 70% of the amount of


1 Interpled Funds remaining after payment of New York Life’s reasonable
2 attorney fees and costs and that the award be satisfied by a check payable to
3 “John D. Nguyen” and mailed to his counsel of record in this action
4 (Marshall A. Oldman);

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6 6. Decedent’s Sister shall be awarded an amount equal to 15% of the Interpled
7 Funds remaining after payment of New York Life’s reasonable attorney
8 fees and costs and that the award is satisfied by a check payable to “Bjor L.
9 Burklund” and mailed to her counsel of record in this action (Sommers &
10 Sommers); and

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12 7. Decedent’s Parents shall be awarded an amount equal to 15% of the
13 Interpled Funds remaining after payment of New York Life’s reasonable
14 attorney fees and costs and that the award is satisfied by a check payable to
15 “Dale C. Burklund and Margaret L. Burklund” and mailed to their counsel
16 of record in this action (Sommers & Sommers).

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18 **IT IS SO ORDERED.**

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20 Date: November 19, 2008



21 THE HONORABLE R. GARY KLAUSNER
22 UNITED STATES DISTRICT JUDGE
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