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 9 **UNITED STATES DISTRICT COURT**
 10 **EASTERN DISTRICT OF CALIFORNIA**
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12 DOCTORS MEDICAL CENTER OF)
 MODESTO, INC.,)
 13 Plaintiff,)
 14 v.)
 15 THE GUARDIAN LIFE INSURANCE)
 COMPANY OF AMERICA, a New)
 16 York for-profit corporation; VIANT)
 PAYMENT SYSTEMS, INC., an)
 17 Illinois for-profit corporation; and)
 18 DOES 1 through 25, Inclusive,)
 19 Defendants.)
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Case No. 1:08-CV-00903-0WW-GSA
**STIPULATION AND ORDER FOR
 DISMISSAL WITH PREJUDICE**

22 It is hereby stipulated by and between plaintiff Doctors Medical Center of
 23 Modesto, Inc., a corporation (“Plaintiff”) and defendant The Guardian Life
 24 Insurance Company of America, a corporation (“Defendant”), through their
 25 respective counsel of record, that this action may and shall be dismissed with
 26 prejudice, each party to bear its own costs and attorneys fees.

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IT IS SO STIPULATED.

DATED: November 4, 2009

Stephenson, Acquisto & Colman
Joy Young Stephenson
Barry Sullivan
Richard Lovich
Oliver Tomas

By: /s/ Oliver Tomas [As authorized on
November 4, 2009]
Oliver Tomas
Attorneys for Plaintiff Doctors Medical
Center of Modesto, Inc.

DATED: November 13, 2009

Burke, Williams & Sorensen, LLP
Stephen H. Galton
Keiko J. Kojima

By: /s/ Stephen H. Galton
Stephen H. Galton
Attorneys for Defendant The Guardian
Life Insurance Company of America

ORDER

The parties having stipulated and good cause appearing therefor, IT IS ORDERED that this action be and hereby is dismissed with prejudice, each party to bear its own costs and attorney's fees.

IT IS SO ORDERED.

Dated: November 16, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE