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(SPACE BELOW FOR FILING STAMP ONLY)

6 Attorneys for Plaintiffs
7 MONTRY MCNALLY; RUBY BELL; and
KENNETH BALES

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

11 MONTRY MCNALLY; RUBY BELL;
12 and KENNETH BALES,

13 Plaintiffs,

14 v.

15 EYE DOG FOUNDATION FOR THE
BLIND, INC.; EYE DOG FOUNDATION
16 PROFIT SHARING PLAN; GWEN
BROWN, an individual, and DOES 1
17 through 50,

18 Defendants.

Case No. 1:09-CV-01184-AWI-SKO

**STIPULATION AND ORDER FOR
RELEASE OF FUNDS IN THE EYE DOG
FOUNDATION PROFIT SHARING PLAN**

19 THE PARTIES TO THE ABOVE-CAPTIONED ACTION, BY AND THROUGH
20 THEIR UNDERSIGNED COUNSEL OF RECORD, HEREBY STIPULATE AS FOLLOWS:

21 1. That on May 4, 2010, Plaintiff MONTRY MCNALLY, RUBY BELL and
22 KENNETH BALES (hereafter collectively referred to as "Plaintiffs") filed a Motion For a
23 Preliminary Injunction with this Court to freeze the assets in the Morgan Stanley accounts
24 relating to the EYE DOG FOUNDATION PROFIT SHARING PLAN (hereafter referred to as
25 the "the PLAN"). By way of their Motion, Plaintiffs asked this Court to enjoin and restrain
26 Defendants EYE DOG FOUNDATION FOR THE BLIND, INC., EYE DOG FOUNDATION
27 PROFIT SHARING PLAN and GWEN BROWN (hereafter collectively referred to as
28

1 “Defendants”) and their officers, agents, employees, representatives, and all persons acting in
2 concert or participating with them, during the pendency of this action, from withdrawing from
3 Morgan Stanley account numbers 238 133040 350 and 238 133040 165, or any other accounts
4 relating to the PLAN.

5 2. On May 28, 2010, the Court issued an order granting Plaintiffs’ Motion for a
6 Preliminary Injunction ordering that a preliminary injunction should be issued to freeze the assets
7 in the Morgan Stanley accounts relating to the PLAN.

8 3. On September 26, 2011, the parties entered into a settlement agreement after a
9 settlement conference was held before Magistrate Sheila K. Oberto. Pursuant to the settlement,
10 Defendants agreed to distribute to Plaintiffs, who are beneficiaries under the PLAN, the full
11 amount of benefits owed to their sister, Lequita McKay, a participant in the PLAN. As of April
12 30, 2011, Lequita McKay’s total interest in the PLAN was \$252,723.35. (Attached hereto as
13 Exhibit “A” is a true and correct copy of a September 28, 2011 fax from Stephanie Copner at
14 Retirement Plan Consultants attaching the Participant Account Statement for Lequita McKay
15 reflecting the total balance of \$252,723.35.)

16 4. Due to the above-referenced settlement agreement, it is now necessary to distribute
17 Lequita McKay’s interest in the PLAN to her beneficiaries. The parties hereby agree that, within
18 30 days from the date in which the Court issues an Order and prior to the unfreezing of the
19 Morgan Stanley accounts at issue, a cashiers check shall be distributed directly from Morgan
20 Stanley to Plaintiffs MONTRY MCNALLY, RUBY BELL and KENNETH BALES in the
21 amount of \$252,723.35. Said check will be delivered to Plaintiffs’ counsel, in care of Robert L.
22 Sullivan at McCormick, Barstow, Sheppard, Wayte & Carruth at 5 River Park Place East, Fresno,
23 California 93720.

24 5. After the funds are released directly from Morgan Stanley to Plaintiffs, the
25 remainder of the account which includes the PLAN assets will be unfrozen and the preliminary
26 injunction will be vacated. Until such time as the cashier’s check is distributed to Plaintiffs, no
27 funds shall be withdrawn from the Morgan Stanley accounts.

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