1 2	Robert L. Sullivan, Jr., # 41711 Devon R. McTeer, #230539 McCormick, Barstow, Sheppard,	(SPACE BELOW FOR FILING STAMP ONLY)
3	Wayte & Carruth LLP P.O. Box 28912	
4	5 River Park Place East Fresno, CA 93720-1501	
5	Telephone: (559) 433-1300 Facsimile: (559) 433-2300	
6	Attorneys for Plaintiffs	
7	MONTRY MCNALLY; RUBY BELL; and KENNETH BALES	
8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
10		
11	MONTRY MCNALLY; RUBY BELL;	Case No. 1:09-CV-01184-AWI-SKO
12	and KENNETH BALES,	
13	Plaintiffs,	STIPULATION AND ORDER FOR RELEASE OF FUNDS IN THE EYE DOG FOUNDATION PROFIT SHARING PLAN
14	V.	
15	EYE DOG FOUNDATION FOR THE BLIND, INC.; EYE DOG FOUNDATION	
16 17	PROFIT SHARING PLAN; GWEN BROWN, an individual, and DOES 1 through 50,	
18	Defendants.	
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		
TOW,		

MCCORMICK, BARSTOW SHEPPARD, WAYTE & CARRUTH LLP 5 River Park Place East Fresno, CA 93720-1501

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"Defendants") and their officers, agents, employees, representatives, and all persons acting in
 concert or participating with them, during the pendency of this action, from withdrawing from
 Morgan Stanley account numbers 238 133040 350 and 238 133040 165, or any other accounts
 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.

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funds shall be withdrawn from the Morgan Stanley accounts.

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1	Dated: September 30, 2011 McCormick, Barstow, Sheppard, Wayte & Carruth LLP	
2		
3	By: /s/ Devon R. McTeer Devon R. McTeer	
4	Robert L. Sullivan, Jr. Attorneys for Plaintiffs, MONTRY	
5	MCNALLY; RUBY BELL; and KENNETH BALES	
6	Deted. Sentember 20, 2011 Dry /s/ Deleh F. Herrison H.	
7 8	Dated: September 30, 2011 By: /s/ Ralph E. Harrison II Ralph E. Harrison II Ralph E. Harrison II Attorney for Defendants, EYE DOG	
8 9	FOUNDATION FOR THE BLIND, INC.; EYE DOG FOUNDATION PROFIT	
10	SHARING PLAN; and GWEN BROWN	
11		
12	ORDER	
13	After full consideration of the terms of the stipulation by the parties as set forth above, the	
14	It is ordered that, within 30 days of the date of this Order and prior to the unfreezing of the	
15		
16	Morgan Stanley accounts at issue, a cashiers check in the amount of \$252,723.35, shall be distributed in the name of MONTRY MCNALLY, RUBY BELL, and KENNETH BALES, in care of their attorney Robert L. Sullivan at the law offices of McCormick, Barstow, Sheppard, Wayte & Carruth, located at 5 River Park Place East, Fresno, California 93720. After the funds	
17		
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20	remainder of the account will be unfrozen. Until such time as the cashier's check is distributed to Plaintiffs, no funds shall be withdrawn from the Morgan Stanley accounts.	
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24	IT IS SO ORDERED.	
25	Dated: September 30, 2011 AMblin	
26	CHIEF UNITED STATES DISTRICT JUDGE	
27		
28		
MCCORMICK, BARSTOW, SHEPPARD, WAYTE & CARRUTH LLP	3 STIPULATION AND ORDER FOR RELEASE OF FUNDS	
5 RIVER PARK PLACE EAST FRESNO, CA 93720-1501	STIFULATION AND OKDER FOR RELEASE OF FUNDS	