

1 John G. Michael #106107  
jmichael@bakermanock.com  
2 Elisabeth F. Tietjen #258704  
etietjen@bakermanock.com  
3 BAKER MANOCK & JENSEN, PC  
5260 North Palm Avenue, Fourth Floor  
4 Fresno, California 93704  
Telephone: 559.432.5400  
5 Facsimile: 559.432.5620

6 Attorneys for Defendant and Counter-Defendant Maycelle Davila

7 David M. Gilmore, #105429  
dgilmore@gwvm.com  
8 Jody L. Winter, #249592  
jwinter@gwvm.com  
9 GILMORE, WOOD, VINNARD & MAGNESS  
P.O. Box 28907  
10 Fresno, Ca 93729-8907  
Telephone: (559) 448-9800  
11 Facsimile: (559) 448-9899

12 Attorneys for Defendant/Counterclaimant Jill Davila

13 UNITED STATES DISTRICT COURT

14 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

15 PRIMERICA LIFE INSURANCE  
16 COMPANY,

17 Plaintiff,

18 v.

19 JILL DAVILA, an individual, MAYCELLE  
20 DAVILA, an individual,

21 Defendants.

22 JILL DAVILA, an individual,

23 Counter-Complainant,

24 v.

25 PRIMERICA LIFE INSURANCE  
26 COMPANY AND MAYCELLE DAVILA,

27 Counter-Defendants.

CASE No. 1:10 CV-01924 SMS

**JOINT STIPULATION REGARDING  
RECEIPT OF INTERPLEADED FUNDS  
AND DISMISSAL OF ACTION**

Judge: Hon. Sandra M. Snyder

Trial Date: March 20, 2012

1 IT IS HEREBY STIPULATED AND AGREED by and between Defendant and  
2 Counter-Complainant Jill Davila ("Jill") and Defendant and Counter-Defendant Maycelle Davila,  
3 ("Maycelle") by and through their respective counsel, as follows:

4 1. Counsel for Maycelle acknowledges receipt of \$100,000 of the interpleaded  
5 funds by check made payable to Maycelle Davila.

6 2. Counsel for Jill acknowledges receipt of \$100,000 of the interpleaded funds  
7 by check made payable to "Jill Davila or Gilmore, Wood, Vinnard & Magness Client Trust  
8 Account."

9 3. Counsel for Jill, on behalf of Gary L. Winter, counsel for the Larry Davila,  
10 Jr. Legacy Trust, also acknowledges receipt of the balance of the interpleaded funds by check  
11 made payable to the "Gary L. Winter, Inc. Client Trust Account FBO The Larry Davila, Jr.  
12 Legacy Trust."

13 4. All interpleaded funds have been properly distributed by the Court and the  
14 parties request that this case now be dismissed with prejudice.

15 DATED: December 21, 2011

16 BAKER MANOCK & JENSEN, PC

17  
18 By: /s/ John G. Michael  
19 John G. Michael  
20 Elisabeth F. Tietjen  
21 Attorneys for Defendant and Counter-  
22 Defendant Maycelle Davila

21 DATED: December 21, 2011

22 GILMORE, WOOD, VINNARD & MAGNESS

23  
24 By: /s/ Jody L. Winter  
25 David M. Gilmore  
26 Jody L. Winter  
27 Attorneys for Defendant and Counter-Claimant  
28 Jill Davila

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

Having read the stipulation of the remaining parties in this case, and good cause appearing therefore:

IT IS HEREBY ORDERED:

1. That this case is dismissed in its entirety with prejudice;
2. That all court dates and/or deadlines set herein (Doc. 18), including the Pretrial Conference set 2/7/12 at 10:00 a.m. in Courtroom No. 1 before Judge Snyder (SMS), and the Trial set 3/20/12 at 9:00 a.m. in Courtroom No. 1 before Judge Snyder (SMS), are VACATED.
3. The Clerk's Office administratively close the file forthwith.

IT IS SO ORDERED.

Dated: January 11, 2012

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE