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6 THRIVENT FINANCIAL FOR LUTHERANS
and THRIVENT INVESTMENT MANAGEMENT, INC.
7

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10 FRESNO DIVISION

11 THRIVENT FINANCIAL FOR LUTHERANS)	Civil No. 17-CV-01073-LJO-JLT
and THRIVENT INVESTMENT)	
12 MANAGEMENT, INC.,)	JUDGMENT
13 Plaintiffs,)	
14 v.)	
15 SHAREN KERLIN, MATTHEW KERLIN)	
AND JESSICA VAN LITH,)	
16 Defendants.)	
17	

18 The Stipulation for Judgment submitted by Plaintiffs THRIVENT FINANCIAL FOR
19 LUTHERANS and THRIVENT INVESTMENT MANAGEMENT, INC. (hereinafter “Thrivent” or
20 “Plaintiffs”) by and through their counsel of record, and defendants SHAREN KERLIN,
21 MATTHEW KERLIN AND JESSICA VAN LITH, on their own behalves (Thrivent and all
22 defendants collectively referred to hereinafter as “the Parties”), came before this Court in due
23 course for consideration and is hereby **GRANTED**.

24 **IT IS HEREBY ADJUDGED AND DECREED:**

25 1. That, this Court has jurisdiction over the Parties and this dispute;
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1 2. That, due to the mutual mistake of the Parties, annuity no. LC461XXXX and annuity
2 no. LC496XXXX¹ are hereby reformed; defendant Sharen Kerlin remains the designated primary
3 beneficiary as that term is defined in the contracts and Internal Revenue Code sections 72(s) and
4 401(a)(9), as applicable, and defendants Matthew Kerlin and Jessica Van Lith remain secondary
5 beneficiaries;

6 3. That, on account of the death of Stanley E. Kerlin, Sharen Kerlin is the legal owner
7 of annuity no. LC461XXXX and annuity no. LC496XXXX with all rights attendant thereto
8 including, but not limited to, the right to exercise the Spousal Benefit Option and the rights
9 afforded under Internal Revenue Code sections 72(s) and 401(a)(9);

10 4. That, defendants Sharen Kerlin, Matthew Kerlin and Jessica Van Lith, as well as
11 their heirs, successors, assigns, agents, and/or representatives shall be permanently enjoined from
12 instituting or prosecuting in any State, or United States, Court any proceeding against Thrivent
13 and/or its successors, executors, administrators, agents, assigns, parent companies, affiliates,
14 subsidiaries, related companies, contractors, officers, directors, employees, successors, attorneys,
15 brokers, arising out of or relating to the sale of the Annuities, the submission of the Beneficiary
16 Designation by Stanley Kerlin, the investigation into of the submission of the Beneficiary
17 Designation, and the processing of the claim for benefits and ownership of the Annuities; and

18 5. That, all Parties shall bear their own attorneys' fees and costs, if any there be.
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20 IT IS SO ORDERED.

21 Dated: September 21, 2017

/s/ Lawrence J. O'Neill
22 UNITED STATES CHIEF DISTRICT JUDGE

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27 _____
28 ¹ As this filing is a matter of public record and in order to protect the confidential financial information, the last four numbers of the annuity accounts have been redacted.