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8   UNITED STATES DISTRICT COURT

9   EASTERN DISTRICT OF CALIFORNIA (SACRAMENTO)

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11 SUSAN VINEYARD, in her capacity as   ) CASE NO. 2:09-CV-00076-JAM-EFB
    assignee of CARDINAL CORPORATION   )
12 and PHILIP SHERIDAN,   ) **ORDER ON STIPULATION RE**
) **DISMISSAL OF DEFENDANT NEW**
13   Plaintiff,   ) **YORK LIFE INSURANCE COMPANY**
)
14   vs.   )
)
15 DARYL B. KATCHER, ESQ., individually   )
    and as payee of the KUPKA ANNUITY   )
16 TRUST; and NEW YORK LIFE   )
    INSURANCE COMPANY,   )
17   )
                 Defendants.   )
18 _____   )

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20   The Court having considered the parties' Stipulation re Dismissal of New York Life

21 Insurance Company ("Stipulation"),

22   IT IS ORDERED as follows:

23   1. Defendant NEW YORK LIFE INSURANCE COMPANY ("NYLIC") is dismissed

24 from this action without prejudice.

25   2. NYLIC shall continue to make all Annuity payments, as described in the Stipulation,

26 to Defendant DARYL B. KATCHER ("KATCHER") until such time as the Court may order

27 otherwise.

28 / / /

1   3. KATCHER shall deposit such Annuity payments in an interest bearing trust account

2 for the benefit of Plaintiff SUSAN VINEYARD and John Kupka, from which no disbursements

3 shall be made without order of the Court, and shall provide to VINEYARD's counsel copies of

4 all quarterly Account statements from the time of opening of the Account and continuing until

5 this action is resolved or the court orders otherwise..

6   4. Notwithstanding the dismissal of NYLIC, the Court shall retain jurisdiction over

7 NYLIC to enforce this Order.

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9 Dated: December 17, 2009

             /s/ John A. Mendez

10   JOHN A. MENDEZ
            UNITED STATES DISTRICT JUDGE

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