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**J. RUSSELL CUNNINGHAM - SB #130578**  
**ERIC R. GASSMAN - SB #260693**  
**DESMOND, NOLAN, LIVAICH & CUNNINGHAM**  
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Attorneys for SUSAN VINEYARD  
Plaintiff

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

SUSAN VINEYARD, in her capacity as assignee) **CASE NO. 2:09-CV-00076-JAM-EFB**  
of CARDINAL CORPORATION and PHILIP)  
SHERIDAN, )  
 )  
Plaintiff, )  
 )  
v. ) **Trial Date: March 29, 2010**  
 ) **Time: 9:00 a.m.**  
 ) **Place: Court Room 6**  
DARYL B. KATCHER, ESQ., individually and as) **501 "I" Street, 14<sup>th</sup> Floor**  
payee of the KUPKA ANNUITY TRUST, and) **Sacramento, CA 95814**  
NEW YORK LIFE INSURANCE COMPANY, )  
 )  
Defendants )

**JUDGMENT**

Judgment shall be entered in favor of plaintiff SUSAN VINEYARD ("Plaintiff") and against defendants NEW YORK LIFE INSURANCE COMPANY ("NYLIC") and DARYL B. KATCHER ("Katcher"), individually and in his capacity as trustee for one of the judgment debtors, JOHN KUPKA ("Debtor"), as follows:

1. Plaintiff shall recover from Katcher the sum of \$7,526.22.
2. Katcher and NYLIC shall turn over to Plaintiff the annuity payable by NYLIC to "DARRYL KATCHER, ESQ/KUPKA ANNUITY TRUST," consisting of monthly payments of

1 \$2,508.74 from July 15, 2006 through November 15, 2012, specifically: (a) the funds held in trust  
2 by Katcher pursuant to the court's December 18, 2009 order, estimated at time of trial to be about  
3 \$35,000; and (b) in accordance with the jurisdiction reserved by said order, the future annuity  
4 payments due from NYLIC, estimated at time of trial to be about \$80,000.

5 3. The parties shall bear their own attorney fees and costs.

6  
7 **Dated: March 25, 2010**

8 /s/ John A. Mendez  
9 **JUDGE OF THE UNITED STATES DISTRICT COURT**

10 Approved as to form:

11  
12 **DESMOND, NOLAN, LIVAICH & CUNNINGHAM**

13  
14 Dated: March \_\_, 2010

15 By: /s/ J. RUSSELL CUNNINGHAM  
16 **J. RUSSELL CUNNINGHAM**  
17 Attorney for Susan Vineyard

18 **CARLSON & GEVELINGER**

19 Dated: March \_\_, 2010

20 By: /s/ RUSSELL CARLSON  
21 **RUSSELL CARLSON**  
22 Attorney for Darryl B. Katcher

23 **LAW OFFICES OF HEMAR & ASSOCIATES**

24 Dated: March \_\_, 2010

25 By: /s/ MELODY G. ANDERSON  
26 **MELODY G. ANDERSON**  
27 Attorney for New York Life Insurance Company  
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