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15 Attorneys for Defendants
 16 NEW YORK LIFE INSURANCE CO. INC. and NEW
 YORK LIFE INSURANCE & ANNUITY
 17 CORPORATION

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 19 UNITED STATES DISTRICT COURT
 20 EASTERN DISTRICT OF CALIFORNIA

22 BARBARA HOEY,
 23 Plaintiff,
 24 vs.
 25 NEW YORK LIFE INSURANCE CO.
 26 INC., a New York Corporation and NEW
 YORK LIFE INSURANCE & ANNUITY
 27 CORPORATION, a Delaware Corporation,
 28 Defendants.

Case No. 2:09-CV-02116-LKK-GGH

**STIPULATION FOR DISMISSAL AND
 ORDER**

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TO THE ABOVE ENTITLED COURT AND ALL INTERESTED PARTIES

In accordance with the Confidential Settlement Agreement and General Release executed by Plaintiff Barbara Hoey and Defendants New York Life Insurance Co. Inc. and New York Life Insurance & Annuity Corporation, pursuant to Rule 41 of the Federal Rules of Civil Procedure, the above-mentioned parties stipulate and request that the action against the above Defendants be dismissed with prejudice, each party to bear their own costs and attorneys' fees.

Dated: September 1, 2011

MORGAN, LEWIS & BOCKIUS LLP

By /s/ Shannon Nakabayashi
Melinda S. Riechert
Shannon Nakabayashi
Attorneys for Defendants
NEW YORK LIFE INSURANCE CO.
INC. and NEW YORK LIFE
INSURANCE & ANNUITY CORP.

Dated: September 1,2011

THE VELEZ LAW FIRM

By/s/ Mark Velez
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Mark P. Velez
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BARBARA HOEY

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BARBARA HOEY,

Plaintiff,

vs.

NEW YORK LIFE INSURANCE CO.
INC., a New York Corporation and NEW
YORK LIFE INSURANCE & ANNUITY
CORPORATION, a Delaware Corporation,


Defendants.

Case No. 2:09-CV-02116-LKK-GGH

**ORDER DISMISSING CLAIMS
PURSUANT TO PARTIES STIPULATION
AND SETTLEMENT**

Good cause appearing, and pursuant to a settlement agreement and Rule 41 of the Federal Rules of Civil Procedure, IT IS HEREBY ORDERED that Plaintiff's claims against Defendants New York Life Insurance Co. Inc. and New York Life Insurance & Annuity Corporation be and hereby are dismissed with prejudice. Each party shall bear their own costs and attorney's fees.

DATED: September 2, 2011.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT