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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SARAH KOWALSKI  
Plaintiff,

No. CV-06-3341 MMC

v.

**JUDGMENT IN A CIVIL CASE**

FARELLA, BRAUN, & MARTEL, LLP, et al.,  
Defendants.

**Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

**Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

**IT IS SO ORDERED AND ADJUDGED**

- 1. Defendants’ motion for summary judgment is hereby DENIED.
- 2. Plaintiff’s motion for judgment is hereby GRANTED in part and DENIED in part as follows:

a. To the extent plaintiff claims benefits for the period from October 25, 2004 through January 23, 2005, the motion is GRANTED and plaintiff shall be entitled to benefits under the Plan for such period, together with prejudgment interest at the statutory rate.

b. To the extent plaintiff claims benefits for the period from January 24, 2005 to the present, the motion is DENIED and plaintiff’s claim for such benefits is

1 remanded to the claims administrator for determination of plaintiff's eligibility for such  
2 benefits under the Plan's "any occupation" provisions.

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Dated: December 23, 2008

Richard W. Wieking, Clerk



By: Tracy Lucero  
Deputy Clerk