

E-Filing

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7 Attorneys for Defendant
Principal Life Insurance Company, erroneously
8 denominated as Principal Financial Group, Inc.,
dba Principal Life Insurance Company
9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12
13 JOHN MUIR HEALTH, a California nonprofit
corporation, d.b.a. JOHN MUIR MEDICAL
14 CENTER,

15 Plaintiff,

16 vs.

17 CALPINE CORPORATION, a Delaware for
profit corporation; PRINCIPAL FINANCIAL
18 GROUP, INC., d.b.a. PRINCIPAL LIFE
INSURANCE COMPANY, a Delaware for profit
19 corporation; and DOES 1 THROUGH 25,
INCLUSIVE,
20

21 Defendants.

No. C07-01021 BZ

**STIPULATION AND [PROPOSED]
ORDER FOR DISMISSAL WITHOUT
PREJUDICE**

Compl. Filed: Dec. 20, 2006
Removal Date: February 20, 2007

Honorable Bernard Zimmerman

22
23 IT IS HEREBY STIPULATED by and between plaintiff John Muir Health, dba John Muir
24 Medical Center, and defendant Principal Life Insurance Company, erroneously denominated as
25 Principal Financial Group, Inc. dba Principal Life Insurance Company, through their respective
26 counsel of record, that the Court may make and enter its order dismissing the above-captioned action
27 without prejudice as to all defendants in its entirety.
28

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A limited liability partnership formed in the State of Delaware

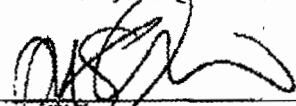
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NO. 5259 P. 3/3

1 Defendant Calpine Corporation has filed for bankruptcy and has not appeared in this case,
 2 but its consent is not necessary here as the effect of the stipulation is to dismiss it from the case.
 3 Further, pursuant to Federal Rule of Civil Procedure 41(a)(1), no consent is necessary because
 4 plaintiff may dismiss the action as of right given the fact that no answer or motion for summary
 5 judgment has been filed in this matter.

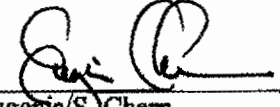
6
7 DATED: March 5, 2007.

8 STEPHENSON, ACQUISTO & COLMAN

9
 10 By 
 11 Susan H. Hua
 12 Attorneys for Plaintiff John Muir Health
 13 d.b.a. John Muir Medical Center

14 DATED: March 5, 2007.

15 REED SMITH LLP

16 By 
 17 Eugenia S. Chern
 18 Attorneys for Defendant
 19 Principal Life Insurance Company, erroneously
 20 denominated as Principal Financial Group, Inc., dba
 21 Principal Life Insurance Company

22 ORDER

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24 Dated: 5 March, 2007.

25 
 26 BERNARD ZIMMERMAN
 27 UNITED STATES MAGISTRATE JUDGE

28 DDCSOAK-8888030.1

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