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 8 SYSTEMS, INC. LONG TERM DISABILITY PLAN

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Attorneys for Plaintiff  
 15 ANDY E. CHAN

16  
 17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA  
 19

|                                    |   |                                       |
|------------------------------------|---|---------------------------------------|
| 20 ANDY E. CHAN,                   | ) | Case No.: CV07-06214 WHA              |
|                                    | ) |                                       |
| 21 Plaintiff,                      | ) | <b>STIPULATION OF DISMISSAL WITH</b>  |
|                                    | ) | <b>PREJUDICE AND [PROPOSED] ORDER</b> |
| 22 v.                              | ) | <b>THEREON</b>                        |
|                                    | ) |                                       |
| 23 LIFE INSURANCE COMPANY OF NORTH | ) |                                       |
| 24 AMERICA; and FUJITSU BUSINESS   | ) |                                       |
| COMMUNICATION SYSTEMS, INC. LONG   | ) |                                       |
| 25 TERM DISABILITY PLAN,           | ) | Ctrm: 9                               |
|                                    | ) | Floor: 19 <sup>th</sup> Floor         |
| 26 Defendants.                     | ) | Before: Honorable William H. Alsup    |

27 Plaintiff Andy Chan (“Chan”) and Defendants Life Insurance Company of North America  
 28 (“LINA”) and Fujitsu Business Communications Systems, Inc. Long Term Disability Plan (“the

Plan”) (collectively, “Defendants”), by and through their respective counsel of record, Glenn R. Kantor, Esq. and Peter S. Sessions, Esq. of Kantor & Kantor, LLP, on behalf of plaintiff, and Dennis J. Rhodes, Esq., of Wilson, Elser, Moskowitz, Edelman & Dicker LLP, on behalf of defendants, HEREBY STIPULATE that the above-captioned matter and all claims of relief therein can be dismissed with prejudice in its entirety as to all parties pursuant to the parties’ agreement to resolve the disputed claim. Each party to bear its own fees and costs.

Date: January 23, 2009

KANTOR & KANTOR, LLP

By: /s/ Glenn R. Kantor  
Glenn R. Kantor, Esq.  
Peter S. Sessions, Esq.  
Attorneys for Plaintiff  
ANDY E. CHAN

Date: January 23, 2009

WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP

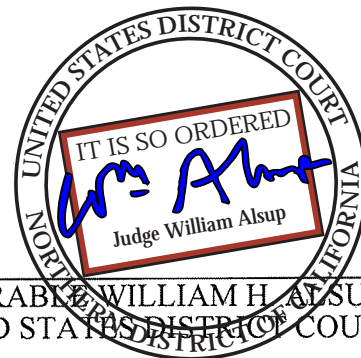
By: /s/ Dennis J. Rhodes  
Adrienne C. Publicover  
Dennis J. Rhodes  
Attorneys for Defendants  
LIFE INSURANCE COMPANY OF NORTH  
AMERICA and FUJITSU BUSINESS  
COMMUNICATIONS SYSTEMS, INC.  
LONG TERM DISABILITY PLAN

**ORDER**

**IT IS SO ORDERED.**

Date: January 26, 2009

By: WILLIAM H. ALSUP  
HONORABLE WILLIAM H. ALSUP  
UNITED STATES DISTRICT COURT JUDGE



**CERTIFICATE OF SERVICE**

*Andy E. Chan v. Life Insurance Company of North America, et al.*  
*USDC NDCA Case #CV07-06214 WHA*

I am over the age of eighteen years and am not a party to the within cause. I am employed in the City and County of San Francisco, California and my business address are 525 Market Street, 17th Floor, and San Francisco, California 94105-2725.

On this date I served the following document(s):

**STIPULATION OF DISMISSAL WITH PREJUDICE AND  
[PROPOSED] ORDER THEREON**

on the part(y)(ies) identified below, through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below by the following means of service:

→ : **By First Class Mail** -- I caused each such envelope, with first class postage thereon fully prepaid, to be deposited in a recognized place of deposit of the U.S. Mail in San Francisco, California, for collection to the office of the addressee following ordinary business practices.

: **By Personal Service** -- I caused each such envelope to be given to a courier messenger who personally delivered each such envelope to the office of the address.

: **By Overnight Courier** -- I caused each such envelope to be given to an overnight mail service at San Francisco, California, to be hand delivered to the addressee on the next business day.

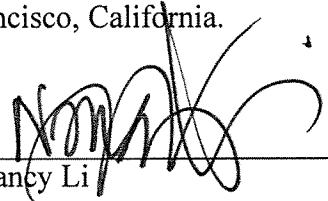
: **Facsimile** -- (Only where permitted. Must consult CCP §1012.5 and California Rules of Court 2001-2011. Also consult FRCP Rule 5(e). Not currently authorized in N.D.CA.)

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***Attorneys for Plaintiff***

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

EXECUTED on **January 23, 2009**, at San Francisco, California.

  
\_\_\_\_\_  
Nancy Li