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 SHORT AND LONG TERM DISABILITY PLAN
 8

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15
 16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18

19 RAUL LOPEZ,)	CASE NO.: CV08-00875 SI
20 Plaintiff,)	STIPULATION OF DISMISSAL WITH PREJUDICE AND [PROPOSED] ORDER THEREON
21 v.)	
22 NEW UNITED MOTOR)	
23 MANUFACTURING, INC.'S SHORT AND LONG TERM DISABILITY PLAN,)	
24 Defendant.)	

25
 26 Plaintiff Raul Lopez ("plaintiff"), and defendant New United Motors Manufacturing, Inc.
 27 STD and LTD Plan ("defendant"), through their respective attorneys of record, James G. Mellen,
 28

1 Esq. and Timothy J. Fricker, Esq., of Fricker & Mellen & Associates, on behalf of plaintiff, and
2 Dennis J. Rhodes, Esq., of Wilson, Elser, Moskowitz, Edelman & Dicker LLP, on behalf of
3 defendant, HEREBY STIPULATE that the above-captioned matter and all claims of relief therein
4 can be dismissed with prejudice in its entirety as to all parties pursuant to the parties' agreement to
5 resolve the disputed claim. Each party to bear its own fees and costs.

6
7 **IT IS SO STIPULATED.**

8 Date: December 11, 2008

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

9
10 By: /s/ Sean P. Nalty
11 SEAN P. NALTY
12 DENNIS J. RHODES
13 Attorneys for Defendant
NEW UNITED MOTOR MANUFACTURING, INC.'S
SHORT AND LONG TERM DISABILITY PLAN

14 Date: December 11, 2008

FRICKER & MELLEN & ASSOCIATES

15
16 By: /s/ Timothy J. Fricker
17 TIMOTHY J. FRICKER
18 JAMES G. MELLEN
19 Attorneys for Plaintiff
RAUL LOPEZ

20
21 **ORDER**

22 **IT IS SO ORDERED.**

23
24 Date: _____

25 By: Susan Illston
Honorable Susan Illston
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

*Raul Lopez v. New United Motor Manufacturing, Inc.'s Short and Long Term Disability Plan
USDC NDCA Case #CV08-00875 SI*

I am a citizen of the United States. 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 is 525 California Street, 17th Floor, San Francisco, California 94105.

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

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

on the parties 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 office of 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.C.A.)

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Attorneys for Plaintiff RAUL LOPEZ

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 **December 11, 2008** at San Francisco, California.

