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Attorneys for Defendants
 10 HELLER EHRMAN, LLP;
 HELLER EHRMAN LONG TERM
 11 DISABILITY PLAN; and
 UNUM LIFE INSURANCE COMPANY
 12 OF AMERICA

14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**

17 PATRICIA FORTLAGE,
 18 Plaintiffs,

19 vs.

20 HELLER EHRMAN LLP; HELLER
 EHRMAN LONG TERM DISABILITY
 21 PLAN; and UNUM LIFE INSURANCE CO.
 OF AMERICA,
 22 Defendants.
 23

CASE NO.: C 08-03406 VRW

**STIPULATION AND ~~PROPOSED~~ ORDER
 OF DISMISSAL OF HELLER EHRMAN
 LLP AND UNUM LIFE INSURANCE
 COMPANY WITHOUT PREJUDICE
 [Rule 41(a), Federal Rules of Civil
 Procedure]**

25 Plaintiff Patricia Fortlage, and Defendants Heller Ehrman LLP, Heller Ehrman Long
 26 Term Disability Plan, and Unum Life Insurance Company of America, by and through their
 27 respective counsel of record, hereby stipulate that Defendants Heller Ehrman LLP and
 28 Unum Life Insurance Company be dismissed from this action without prejudice. This

1 Stipulation is based on Ninth Circuit authority holding that the Plan is the proper party
2 defendant to a claim for disability benefits brought under ERISA Section 502 (a)(1)(B), 29
3 U.S.C. Section 1132(a)(1)(B). This Stipulation is further based upon the agreement
4 between the parties that Unum Life Insurance Company shall retain responsibility for
5 satisfaction of any Judgment issued in this action against the Plan pursuant to 29 U.S.C.
6 Section 1132(a)(1)(B).

8 DATED: March 2, 2009

GREEN & HUMBERT

10 By: /s/ Horace W. Green
11 Horace W. Green

12 Attorneys for Defendants

14 DATED: March 2, 2009

LAW OFFICE OF GEOFFREY V. WHITE

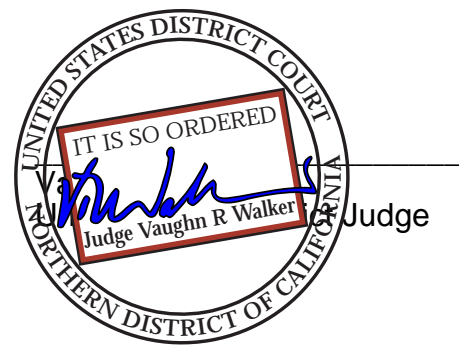
16 By: /s/ Geoffrey V. White
17 Geoffrey V. White

18 Attorneys for Plaintiff

20 **ORDER**

21 Good cause appearing, IT IS HEREBY ORDERED that Defendants Heller Ehrman
22 LLP and Unum Life Insurance Company be, and hereby are, dismissed from this action
23 without prejudice,

24 Dated: March 4, 2009



28 STIPULATION AND PROPOSED ORDER DISMISSING HELLER EHRMAN AND UNUM LIFE INSURANCE
COMPANY WITHOUT PREJUDICE - Case No. C 08-03406 VRW