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7 Attorneys for Defendant
PACIFIC CONSTRUCTION & MANUFACTURING, INC.
8 GROUP HEALTH PLAN

9 UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 JEANENE HARLICK,
12 Plaintiff,
13 vs.
14 BLUE SHIELD OF CALIFORNIA; PACIFIC
CONSTRUCTION & MANUFACTURING,
15 INC. GROUP HEALTH PLAN,
16 Defendant.

Case No. CV-08-3651-SC
**STIPULATION AND ~~PROPOSED~~
ORDER DISMISSING DEFENDANT
PACIFIC CONSTRUCTION &
MANUFACTURING, INC. GROUP
HEALTH PLAN WITHOUT PREJUDICE**

17
18 WHEREAS, this is an action arising under the Employee Retirement Income Security Act
19 of 1974, as amended ("ERISA"), 29 U.S.C. section 1132 (a)(1) and (3);

20 WHEREAS, on the motion of Blue Shield, plaintiff JEANENE HARLICK ("Plaintiff") has
21 named PACIFIC CONSTRUCTION & MANUFACTURING INC. GROUP HEALTH PLAN
22 ("the Plan") as a defendant in this action;

23 WHEREAS, at all relevant times the Plan was insured under the Plan which was funded by
24 a group health service contract issued by defendant California Physicians' Service, dba Blue Shield
25 of California ("Blue Shield");

26 WHEREAS, Blue Shield agrees it will be liable for any judgment or settlement concerning
27 the payment or non-payment of benefits to Plaintiff that may result from this action as if it were the
28 Plan;

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1 IT IS HEREBY STIPULATED between the parties, by and through their respective counsel
2 of record, that Blue Shield will be liable for any judgment or settlement concerning the payment or
3 non-payment of benefits to Plaintiff that may be entered or reached in this action as if it were the
4 Plan;

5 IT IS FURTHER STIPULATED that the Plan need not appear in this action, and the Plan is
6 hereby dismissed from this action without prejudice.

7 IT IS SO STIPULATED.

8 KANTOR & KANTOR

9
10 DATED: February 2, 2010

By: /s/ Lisa S. Kantor
Lisa S. Kantor, Attorneys for Plaintiff Jeanne Harlick

11 TRUCKER ♦ HUSS

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13 DATED: February 2, 2010

By: /s/ Robert F. Schwartz
Robert F. Schwartz, Attorneys for Defendant Pacific Construction & Manufacturing, Inc.

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16 MANATT, PHELPS & PHILLIPS, LLP

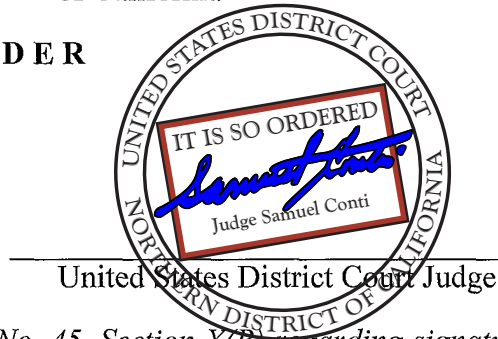
17 DATED: February 2, 2010

By: /s/ Adam Pines
Adam Pines, Attorneys for Defendant California Physicians Service dba Blue Shield of California

18
19
20 **ORDER**

21 It is so ordered.

22 DATED: February 4, 2010



23 United States District Court Judge

24 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, Robert Schwartz hereby attests that concurrence in the filing of this document has been obtained.*