

1 James P. Baker (SBN: 96302)
 2 Marla K. Letellier (SBN: 234969)
 3 Ellinor R. Coder (SBN: 258258)
 4 JONES DAY
 5 555 California Street, 26th Floor
 6 San Francisco, CA 94104
 7 Telephone: (415) 626-3939
 8 Facsimile: (415) 875-5700

9 Attorneys for Plaintiff
 10 WILLIAM H. SMITH III

11 Horace W. Green (SBN: 115699)
 12 GREEN & HUMBERT
 13 220 Montgomery Street, Suite 438
 14 San Francisco, California 94104
 15 Telephone: (415) 837-5433
 16 Facsimile: (415) 837-0127

17 Attorneys for Defendant
 18 INSITE VISION INCORPORATED
 19 LONG TERM DISABILITY PLAN

20 UNITED STATES DISTRICT COURT
 21 NORTHERN DISTRICT OF CALIFORNIA

22 WILLIAM H. SMITH III,
 23 Plaintiff,
 24 v.
 25 INSITE VISION INCORPORATED
 26 LONG TERM DISABILITY PLAN,
 27 Defendant.

28 Case No. C 08-5387 EMC

STIPULATION TO DISMISSAL AND
 DISMISSAL OF ACTION ; ORDER

1 Plaintiff William H. Smith III and Defendant Insite Vision Incorporated Long Term
2 Disability Plan, by and through their respective counsel of record, hereby stipulate that
3 this action be, and hereby is, dismissed with prejudice as to all parties with respect to all
4 claims for relief. Each party to bear its own costs of suit.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: June 10, 2009

GREEN & HUMBERT

By: /s/ Horace W. Green
HORACE W. GREEN
Attorneys for Defendant
INSITE VISION INCORPORATED
LONG TERM DISABILITY PLAN

DATED: June 10, 2009

JONES DAY

By: /s/ Ellinor R. Coder
Attorneys for Plaintiff
WILLIAM H. SMITH III

ORDER

Good cause appearing,

IT IS HEREBY ORDERED

That this matter be, and hereby is, dismissed with prejudice. Each party to
bear its own costs of suit.

Dated: June 12, 2009

