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 9 CALIFORNIA PACIFIC REGIONAL MEDICAL  
 10 CENTER, a California non-profit public benefit  
 corporation

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 13

14 CALIFORNIA PACIFIC REGIONAL  
 15 MEDICAL CENTER, a California non-  
 16 profit public benefit corporation,

17 Plaintiff,

18 vs.

19 NATIONAL ALLIED WORKERS  
 20 INSURANCE TRUST FUND, a  
 21 voluntary employees benefit association  
 22 pursuant to 26 U.S.C. §501(c)(9), AND  
 DOES 1 THROUGH 25,

23 Defendants.  
 24  
 25  
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Case No.: CV 09-1018 (MHP)  
 [Assigned to the Hon. Marilyn H. Patel]

**STIPULATION FOR DISMISSAL;  
 [PROPOSED] ORDER**

27 ////  
 28 ////

1 IT IS HEREBY STIPULATED by and between the parties to this action  
2 through their designated counsel that the above-captioned action be dismissed  
3 with prejudice pursuant to Fed. R. Civ. Proc. Rule 41(a)1(ii) without fees and cost  
4 assessed to either party.

5  
6 SO STIPULATED.

7  
8 Dated : April 9, 2010

STEPHENSON, ACQUISTO & COLMAN

9  
10 /S/

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12 VIOLA RITA BROWN  
13 Attorney for Plaintiff  
14 CALIFORNIA PACIFIC REGIONAL  
MEDICAL CENTER, a California non-  
profit public benefit corporation

15 Dated: April 9, 2010

16 LABER, MUCHIN, DOWBROW,  
17 BECKER, LEVIN AND TOMINBERG,  
LTD.

18 /S/

19  
20 ROBERT H. BROWN  
21 Attorneys for  
22 JOSE M. GARZA AND THE NATIONAL  
23 ALLIED WORKERS UNION  
24 INSURANCE TRUST FUND

1 **PROOF OF SERVICE**

2  
3 I am employed in the county of Los Angeles, State of California. I am  
4 over the age of 18 and not a party to the within action; my business address is 303  
5 North Glenoaks Boulevard, Suite 700, Burbank, California 91502-3226. On 9  
6 April 2010, I served the foregoing document(s) entitled:

7 **STIPULATION FOR DISMISSAL; [PROPOSED] ORDER**

8 by placing a true copy thereof enclosed in a sealed envelope addressed per the  
9 attached Service List.

10  **BY MAIL:** I am "readily familiar" with the firm's practice of collection and  
11 processing correspondence for mailing. Under that practice it would be  
12 deposited with the United States Postal Service on that same day with  
13 postage thereon fully prepaid at Burbank, California in the ordinary course  
14 of business. I am aware that on motion of the party served, service is  
presumed invalid if postal cancellation date or postage meter date is more  
than one day after date of deposit for mailing in affidavit. [C.C.P. 1013a(3);  
F.R.C.P. 5(b)]

15  **BY FEDERAL EXPRESS:** I caused such envelope(s), with overnight  
16 Federal Express Delivery Charges to be paid by this firm, to be deposited  
17 with the Federal Express Corporation at a regularly maintained facility on  
the aforementioned date. [C.C.P. 1013(c) 1013(d)]

18  **BY PERSONAL SERVICE:** I caused the above-stated document(s) to be  
19 served by personally delivering a true copy thereof to the individuals  
20 identified above. [C.C.P. 1011(a); F.R.C.P. 5(b)]

21  **BY EXPRESS MAIL:** I caused such envelope(s), with postage thereon  
22 fully prepaid and addressed to the party(s) shown above, to be deposited in a  
23 facility operated by the U.S. Postal Service and regularly maintained for the  
receipt of Express Mail on the aforementioned date. [C.C.P. 1013(c)]

24  **BY TELECOPIER:** Service was effected on all parties at approximately  
25 0:00 am/pm by transmitting said document(s) from this firm's facsimile  
26 machine (818/559-5484) to the facsimile machine number(s) shown above.  
27 Transmission to said numbers was successful as evidenced by a  
28 Transmission Report produced by the machine indicating the documents had  
been transmitted completely and without error. C.R.C. 2008(e), Cal. Civ.  
Proc. Code § 1013(e).

1 [ ] BY ELECTRONIC SERVICE: By emailing true and correct copies to the  
2 persons at the electronic notification address(es) shown on the  
3 accompanying service list. The document(s) was/were served electronically  
and the transmission was reported as complete and without error.

4 [ ] State: I declare under penalty of perjury under the laws of the State of  
5 California that the above is true and correct.

6 [X] Federal: I declare that I am employed in the office of a member of the bar of  
7 this court at whose direction the service was made.

8 Executed on 9 April 2010 in Burbank, California.

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11 VALENCIA WILSON  
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**SERVICE LIST**

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Levin and Tominberg LTD.  
515 North State Street  
Chicago, IL 60610

1 ~~PROPOSED~~ ORDER

2  
3 Having read the foregoing Stipulation of the parties, and good cause  
4 appearing therefore.

5 IT IS HEREBY ORDERED THAT:

6  
7 The above-captioned action is hereby dismissed with prejudice pursuant to  
8 Fed. R. Civ. Proc. Rule 41(a)1(ii) without fees and cost being assessed to either  
9 party.

10  
11 Dated: 4/12/2010

By:

