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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION
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12 TERRA INSURANCE COMPANY)
 13 (A Risk Retention Group),)

14 Plaintiff,)

15 v.)

16 NEW YORK LIFE INVESTMENT)
 17 MANAGEMENT LLC,)

18 Defendant.)
 19)
 20)

CASE NO. C 09-01609 WHA

**[PROPOSED] ORDER GRANTING IN
 PART PLAINTIFF'S MOTION TO
 COMPEL FURTHER RESPONSES TO
 REQUEST FOR PRODUCTION NOS. 33
 TO 36**

**Date: February 19, 2010
 Time: 11:00 AM**

Courtroom 9, 19th Floor

The Honorable William Alsup

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~~PROPOSED~~ ORDER

Plaintiff Terra Insurance Company (“Plaintiff”) filed a letter on February 16, 2010 seeking further responses to certain discovery requests. Defendant New York Life Investment Management LLC (“Defendant”) filed a response on February 18, 2010.

The Court ordered Plaintiff and Defendant to participate in a further meet and confer in the Court’s jury room on February 19, 2010. The parties met and conferred and resolved all disputes raised in Plaintiff’s February 16, 2010 letter with the exception of Defendant’s responses to Requests for Production Nos. 33 to 36 in Plaintiff’s fourth set of document requests. A hearing was conducted and appearances were noted on the record.

Having read the written submissions and considered the oral arguments of counsel, the Court grants in part Plaintiff’s request to seek further responses to Document Request Nos. 33 to 36. These requests seek documents related to the investment advisory agreement between New York Life Investment Management LLC and New York Life Insurance Company. Defendant is ordered to review the applicable investment advisory agreements in place from 2006 to 2008 and produce only those provisions that describe investment advisory services or the giving of investment advice. Except as provided above, the motion to compel is denied.

IT IS SO ORDERED.

Dated: February 24, 2010.

