Kina v. The Charles Schwab Disability Plan et al Doc. 23

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and THE CHARLES SCHWAB DISABILITY PLAN

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

KEVIN KINA, Plaintiff, v. THE CHARLES SCHWAB DISABILITY PLAN; LIBERTY LIFE ASSURANCE COMPANY OF BOSTON, Defendants.	CASE NO. C09-05147 JSW **STIPULATION AND ~~[PROPOSED]~~ ORDER DISMISSING DEFENDANTS LIBERTY LIFE ASSURANCE COMPANY OF BOSTON AND THE CHARLES SCHWAB DISABILITY PLAN WITH PREJUDICE [FRCP 41(a)(1)(A)(ii)]**

IT IS HEREBY STIPULATED by and between Plaintiff, KEVIN KINA, and Defendants, LIBERTY LIFE ASSURANCE COMPANY OF BOSTON and THE CHARLES SCHWAB DISABILITY PLAN, by and through their attorneys of record, that the above-captioned action shall be, and hereby is, dismissed with prejudice as to all Defendants, including THE CHARLES SCHWAB DISABILITY PLAN, which was previously dismissed from this action without prejudice on February 10, 2010, pursuant to Fed. R. Civ. Pro. 41(a)(1)(A)(ii). Each party shall bear its own fees and costs.

IT IS FURTHER STIPULATED that concurrence in the filing of this stipulation and proposed order has been obtained from each of the signatories, which shall serve in lieu of their

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signatures on the document.

Dated: April 21, 2010

SPRINGER-SULLIVAN & ROBERTS LLP

By: */s/ Michelle L. Roberts*
MICHELLE L. ROBERTS
CASSIE SPRINGER-SULLIVAN
Attorneys for Plaintiff,
KEVIN KINA

Dated: April 21, 2010

ROPERS, MAJESKI, KOHN & BENTLEY

By: */s/ Robert M. Forni, Jr.*
PAMELA E. COGAN
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Attorneys for Defendants, LIBERTY LIFE ASSURANCE COMPANY OF BOSTON and THE CHARLES SCHWAB DISABILITY PLAN

ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that the above-captioned action is dismissed with prejudice as to all Defendants, including THE CHARLES SCHWAB DISABILITY PLAN, which was previously dismissed from this action without prejudice on February 10, 2010. Each party shall bear its own fees and costs.

IT IS SO ORDERED.

Dated: April 22, 2010

Jeffrey S. White
UNITED STATES DISTRICT JUDGE

Ropers Majeski Kohn & Bentley
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