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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE BOARD OF TRUSTEES OF THE
CALIFORNIA WINERY WORKERS'
PENSION TRUST FUND,

Plaintiff,

vs.

UNION BANK, N.A.

Defendant.

Case No. CV 10-2240 SI

**[PROPOSED] ORDER FOR VOLUNTARY
DISMISSAL OF SECOND, THIRD AND
FOURTH CAUSES OF ACTION AND FOR
DEFENDANT'S ADMISSIONS**

1 **[PROPOSED] ORDER**

2 Plaintiff the Board of Trustees of the California Winery Workers' Pension Trust Fund and
3 Defendant Union Bank, N.A., have stipulated as follows:

4 (1) Defendant Union Bank is an ERISA investment fiduciary to the California Winery
5 Workers' Pension Plan pursuant to the Corporate Co-Trustee Agreement, and pursuant to the Securities
6 Lending Services Agreement

7 (2) The Corporate Co-Trustee Agreement and Securities Lending Services Agreement are
8 documents and instruments governing the California Winery Workers' Pension Plan within the
9 meaning of Section 404(a)(1)(D) of ERISA [29 U.S.C. § 1104(a)(1)(D)].

10 (3) Defendant Union's Bank's functions, duties and actions in connection with the
11 California Winery Workers' Pension Plan's cash collateral account provided for in the Securities
12 Lending Services Agreement are all subject to the duties set forth in Section 404(a)(1) of ERISA [29
13 U.S.C. § 1104(a)(1)].

14 (4) In reliance on Paragraphs (1), (2) and (3) above, Plaintiff hereby dismisses with
15 prejudice its State Law Claims (the second, third, and fourth causes of action in the Complaint) with
16 each party bearing its own fees and costs; and

17 (5) Defendant shall have an additional ten (10) days to respond to the Complaint, making
18 Defendant's response to the Complaint due on August 5, 2010.

19 The Court, having received and reviewed the stipulation of the parties and good cause
20 appearing therefor, **HEREBY ORDERS** as follows:

21 (1) Plaintiff's State Law Claims (the second, third, and fourth cause of action in the
22 Complaint) are dismissed with prejudice. Each party shall bear its own fees and costs.

23 (2) Defendant's response to the Complaint is due on August 5, 2010.

1 **IT IS SO ORDERED.**

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Date: _____



SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE