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 14 BANK OF AMERICA, N.A.,
 AETNA LIFE INSURANCE COMPANY and
 15 BANK OF AMERICA GROUP BENEFITS PROGRAM

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA

19 JOHN EMERSON,
 20 Plaintiff,

21 vs.

22 BANK OF AMERICA, N.A., a Delaware
 23 Corporation, BANK OF AMERICA
 24 GROUP BENEFITS PROGRAM, AETNA
 LIFE INSURANCE COMPANY, and
 DOES 1-20, inclusive.

25 Defendants.

Case No. CV 10-04919 SI

**STIPULATION OF DISMISSAL OF
 ACTION WITH PREJUDICE**

Complaint Filed: 9/14/10
 Second Amended Complaint Filed: 3/11/11

Trial Date: October 29, 2012

1 Having reached a confidential settlement agreement, Plaintiff John Emerson and
2 Defendants Bank of America, N.A., Bank of America Group Benefits Program, and Aetna Life
3 Insurance Company, acting through their respective counsel of record, hereby stipulate that this
4 action be dismissed with prejudice, each party to bear his/its own fees and costs.

5
6 DATED: July 27, 2012

RUMMONDS & MAIR

7 /s/ James S. Rummonds

8 JAMES S. RUMMONDS, ESQ.

9 Attorneys for Plaintiff

JOHN EMERSON

10
11 Dated: July 27, 2012

LAFAYETTE & KUMAGAI LLP

12 /s/ Rebecca K. Kimura

13 REBECCA K. KIMURA

14 Attorneys for Defendants

15 BANK OF AMERICA, N.A., AETNA LIFE

INSURANCE COMPANY and BANK OF

16 AMERICA GROUP BENEFITS PROGRAM

17
18 **DECLARATION**

19 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
20 “conformed” signature (/s/) within this efiled document.

21 /s/ Rebecca K. Kimura

22 REBECCA K. KIMURA

23 Attorneys for Defendants

24 BANK OF AMERICA, N.A., AETNA LIFE

INSURANCE COMPANY and BANK OF

AMERICA GROUP BENEFITS PROGRAM

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CERTIFICATE OF SERVICE

I certify that a copy of this document was served electronically on July 27, 2012, on counsel of record in compliance with Federal Rule 5, Local Rule 5.6 and General Order 45, by use of the Court's ECF system.

/s/ Rebecca K. Kimura
REBECCA K. KIMURA