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9 Attorneys for Defendant  
 10 ELECTRIC POWER RESEARCH INSTITUTE GROUP WELFARE  
 11 BENEFIT PLAN

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 SAN FRANCISCO DIVISION

15 GAIL LUNDELL,  
 16 Plaintiff,  
 17 v.  
 18 ELECTRIC POWER RESEARCH  
 19 INSTITUTE GROUP WELFARE BENEFIT  
 20 PLAN,  
 21 Defendant.

Case No. CV 11-00188 MEJ  
**STIPULATION & [PROPOSED] ORDER FOR  
 DISMISSAL WITHOUT PREJUDICE OF  
 ELECTRIC POWER RESEARCH INSTITUTE  
 GROUP WELFARE BENEFIT PLAN AND  
 SUBSTITUTION OF THE LIFE INSURANCE  
 COMPANY OF NORTH AMERICA AS  
 DEFENDANT**

22 In connection with the above-captioned action, and pursuant to Federal Rule of Civil  
 23 Procedure 41(a)(1)(A)(ii), IT IS HEREBY STIPULATED by and between Plaintiff Gail Lundell  
 24 (“Lundell”), Defendant Electric Power Research Institute (“EPRI”) Group Welfare Benefit Plan,  
 25 and third party The Life Insurance Company of North America (“LINA”) that:

- 26 (1) LINA be substituted for the EPRI Group Welfare Benefit Plan as named defendant  
 27 in this action;
- 28 (2) Defendant EPRI Group Welfare Benefit Plan be dismissed without prejudice as a  
 defendant in this action;
- (3) In addition, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Lundell  
 hereby notices the voluntary dismissal without prejudice of this action against defendant EPRI

1 Group Welfare Benefit Plan (as of the filing of this stipulation, the EPRI Group Welfare Benefit  
2 Plan has not served an answer or any motion pursuant to Rule 12 or Rule 56 in this action);

3 (4) The date LINA has executed this stipulation shall be the date of service on LINA  
4 of the Complaint in this action, filed January 12, 2011, and the time for LINA's response to the  
5 Complaint shall be governed by the Federal Rules of Civil Procedure;

6 (5) In consideration for this stipulation, and for purposes of this action only, LINA  
7 acknowledges and agrees that it will be responsible for any judgment relating to disability  
8 benefits under the EPRI Group Welfare Benefit Plan, and attorneys' fees, if awarded, as they  
9 relate to Lundell based on the allegations made in the Complaint against the EPRI Group Welfare  
10 Benefit Plan in this action.

11 (6) Each of the parties will bear its and her own attorneys' fees and costs associated  
12 with the dismissal of the EPRI Group Welfare Benefit Plan herein; and

13 (7) The caption of this action be modified accordingly.

14 Dated: February 9, 2011

15 *I, Joshua Mates, am the ECF User whose*  
16 *ID and password are being used to file this*  
17 *Stipulation & [Proposed] Order for*  
18 *Dismissal of EPRI and Substitution of*  
19 *LINA as Defendant. In compliance with*  
20 *General Order 45.X.B., I hereby attest that*  
21 *Thorton Davidson and Adrienne*  
22 *Publicover have concurred in this filing.*

COOLEY LLP  
GREGORY C. TENHOFF (154553)  
JOSHUA O. MATES (221068)

17 /S/  
18 \_\_\_\_\_  
19 Joshua O. Mates (221068)

Attorneys for Defendant  
ELECTRIC POWER RESEARCH INSTITUTE GROUP  
WELFARE BENEFIT PLAN

22 Dated: February 9, 2011

ERISA LAW GROUP  
THORNTON DAVIDSON (166487)

25 /S/  
26 \_\_\_\_\_  
27 Thornton Davidson (166487)

Attorneys for Plaintiff  
GAIL LUNDELL

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Dated: February 9, 2011

WILSON ELSER MOSKOWITZ EDELMAN &  
DICKER LLP  
ADRIENNE PUBLICOVER (161432)

/S/  
Adrienne Publicover (161432)

Attorneys for Substituted Defendant  
THE LIFE INSURANCE COMPANY OF NORTH  
AMERICA

**IT IS SO ORDERED.**

Date: February 11, 2011

  
United States Northern District Judge