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11
 12 **UNITED STATES DISTRICT COURT**
 13
 14 **NORTHERN DISTRICT OF CALIFORNIA**

15 DEBRA J. EISNER,)
 16 Plaintiff,)

17 v.)

18 THE PRUDENTIAL INSURANCE)
 19 COMPANY OF AMERICA; SURGICAL)
 20 CARE AFFILIATES LONG TERM)
 21 DISABILITY PLAN; SURGICAL CARE)
 22 AFFILIATES, in its capacity as Plan)
 23 Administrator,)

24 Defendants.)

25) Case No. CV12-1238 JSW
 26)
 27) ~~STIPULATION AND [Proposed]~~
 28) ORDER DISMISSING CERTAIN PARTIES
) AND CLAIMS

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The parties hereby stipulate and respectfully request that the Court order as follows.

1. Plaintiff has brought this action for disability benefits and related relief under the Employee Retirement Security Act of 1974, 29 U.S.C. §§ 1001 *et seq.* (“ERISA).
2. Defendants sued herein are the Surgical Care Affiliates Long Term Disability Plan (the “Plan”), The Prudential Insurance Company of America (“Prudential,” which is the Plan insurer), and Surgical Care Affiliates, in its capacity as Plan Administrator of the Plan.
3. Prudential stipulates and agrees that it is properly subject to plaintiff’s first claim for relief under ERISA, and that it will pay any judgment and comply with any orders of this Court and any Court with appellate jurisdiction of this action, to the same extent that such judgment or orders could otherwise be entered or issued as to any or all of the defendants. Prudential stipulates and agrees that for purposes of this action (only), it may be deemed the Plan Administrator of the Plan and subject to such claims and judicial relief as might otherwise be ordered against the Plan Administrator and/or the Plan, including but not limited to plaintiff’s claim for recovery of her attorneys’ fees and expenses under ERISA.
4. Plaintiff stipulates and hereby agrees that the following parties and claims shall be dismissed:
 - a. Defendant Surgical Care Affiliates: all claims in their entirety;
 - b. Defendant Surgical Care Affiliates Long Term Disability Plan: all claims in their entirety;
 - c. Defendant Prudential: second and third claims for relief.

Dated: June 11, 2012

Respectfully submitted,
JULIAN M. BAUM & ASSOCIATES

By: /s/ by Julian M. Baum
JULIAN M. BAUM
Attorneys for Plaintiff

[signatures continued and [Proposed] Order on following page]

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Dated: June 14, 2012

Linda M. Lawson
Cindy Mekari
MESERVE, MUMPER & HUGHES LLP

By: /s/ Linda M. Lawson
Linda M. Lawson
Attorneys for Defendant
THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA

ORDER

The parties having stipulated as set forth above, **IT IS SO ORDERED.**

Dated: June 15, 2012



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE