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9 Attorneys for Defendant Genentech, Inc.

10 **IN THE UNITED STATES DISTRICT COURT**
 11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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NADIA NOORZAI,
 Plaintiff,
 vs.
 GENENTECH INC,
 Defendant

) Case No.: CV 12-04914 TEH
)
) **STIPULATION AND ~~PROPOSED~~ ORDER**
)
) **Date: December 3, 2012**
) **Time: 10:00 am**
) **Place: Courtroom 12**
) **Judge: Hon. Thelton E.**
) **Henderson**
)

1 In accordance with the court's Order of November 27, 2012, the
2 parties hereto stipulate and agree as follows:


3 1. Plaintiff will file an amended complaint by December 11,
4 2012, deleting references that related to potential federal
5 causes of action under ERISA. Specifically, Plaintiff agrees to
6 remove paragraphs 19-23 in their entirety. Plaintiff agrees that
7 she will not pursue any such allegations in the course of this
8 litigation. Plaintiff also agrees that she will not seek
9 damages for wrongful denial of disability benefits in the course
10 of this litigation.

11 2. The parties understand that after the amended complaint is
12 filed, the case shall be remanded to the Superior Court for San
13 Mateo County, California.

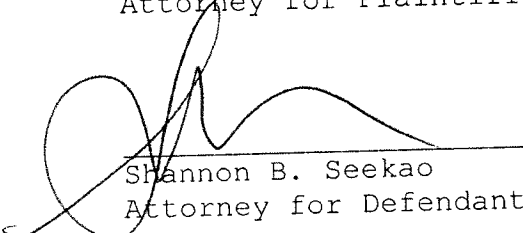
14 3. The hearing previously set for December 3, 2012 will be
15 taken off calendar.

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17 Agreed to and approved:

18 Date 11/28/12


Arthur R. Angel
Attorney for Plaintiff Nadia Noorzai

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22 Date 11/28/12


Shannon B. Seekao
Attorney for Defendant Genentech, Inc.

23
24
25 ~~Proposed~~ Order

26 The above stipulation is approved and accepted and shall be the
27 order of the court.

28 **IT IS SO ORDERED**

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Dated 11/29/2012

