

1 **William D. Whiteman, SBN 100469**
 2 **LAW OFFICES OF WILLIAM D. WHITEMAN**
 3 **4 Embarcadero Center, 17th Floor**
 4 **San Francisco, CA 94111**
 5 **Telephone: (415) 989-3300**
 6 **Facsimile: (415) 963-4131**
 7 **Email: wwhiteman@wdwlawoffices.com**

8 **Attorneys for Defendants**
 9 **Pamela Benjamin and Rene Taylor**

10
 11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**
 13 **SAN FRANCISCO DIVISION**

14 **MANHATTAN LIFE INS. CO.**

No. C-13-0822LB

15 **Plaintiff**

16 **v.**

STIPULATION AND ~~PROPOSED~~
ORDER DISTRIBUTING INTERPLED
FUNDS

17 **DANIEL GARCIA et al.,**

18 **Defendants.**

19 _____ /
 20 Defendant Daniel Garcia, on the one hand, and Defendants Pamela Benjamin and Rene
 21 Taylor, on the other hand, stipulate and agree as follows:

22 WHEREAS, the Plaintiff in this interpleader action has been dismissed pursuant to an
 23 Order of this Court dated July 31, 2013; and

24 WHEREAS, Plaintiff was awarded the sum of \$7,500 in attorneys fees, leaving the sum
 25 of \$92,500 in interpled funds; and

26 WHEREAS, the Defendants in this action have settled the matter on the record after a
 27 Settlement Conference with the Hon. Donna Ryu on September 24, 2013; and

28 WHEREAS, the Defendants agree that the balance of interpled funds shall be disbursed
 \$57,500 on behalf of Defendant Daniel Garcia, and \$35,000 jointly on behalf of Defendants Pam
 Benjamin and Rene Taylor.

STIPULATION AND ~~PROPOSED~~ ORDER DISTRIBUTING INTERPLED FUNDS

1 NOW THEREFORE, THE DEFENDANTS STIPULATE AS FOLLOWS:

2 1. That the Court shall order the Clerk to promptly issue payment of the sum of \$57,500
3 on behalf of Defendant Daniel Garcia payable to the trust account of his attorneys of record,
4 Geary, Shea, O'Donnel, Grattan & Mitchell, P.C.

5 2. That the Court shall order the Clerk to promptly issue payment of the sum of \$35,000
6 on behalf of Defendants Pamela Benjamin and Rene Taylor, jointly, payable to the trust account
7 of their attorneys of record, Law Offices of William D. Whiteman.

8
9 IT IS SO STIPULATED:

10 **Law Offices of William D. Whiteman**

11 Dated: September ___, 2013

11 **BY:** _____/s/_____

12 **William D. Whiteman**
13 **Attorneys for Defendants**
14 **Benjamin and Taylor**

15 **Geary, Shea, O'Donnel, Grattan & Mitchell, P.C.**

16 Dated: September ___, 2013

16 **BY:** _____/s/_____

17 **Raymond J. Fullerton**
18 **Attorneys for Defendant Garcia**

19 **ATTESTATION OF E-FILED SIGNATURE**

20 I, William D. Whiteman, am the ECF user whose ID and password are being used to file
21 this Stipulation and [Proposed] Order Distributing Interpled Funds. In compliance with Local
22 Rule 5-1(i)(3) I hereby attest that Raymond J. Fullerton, attorney for Defendant Daniel Garcia,
has concurred in this filing.

23 **Law Offices of William D. Whiteman**

24 **Dated: September ___, 2013**

24 **BY:** _____/s/_____

25 **William D. Whiteman**
26 **Attorneys for Defendants**
27 **Benjamin and Taylor**

~~PROPOSED~~ ORDER

Pursuant to the Stipulation of the Defendants herein, IT IS HEREBY ORDERED that the Clerk of Court shall disburse the \$92,500 balance of the funds interpled in this case and shall issue checks as follows:

1. A check in the sum of \$57,500 on behalf of Defendant Daniel Garcia payable to “Geary, Shea, O’Donnel, Grattan & Mitchell, P.C. Trust Account” and mailed to Garcia’s attorney of record ^{Raymond J. Fullerton, Jr.} ~~Raymond F. Fullerton~~ at said firm located at 37 Old Courthouse Square, Fourth Floor, Santa Rosa, CA 95404.

2. A check in the sum of \$35,000 on behalf of Defendants Pamela Benjamin and Rene Taylor, jointly, payable to “Law Offices of William D. Whiteman Trust Account” and mailed to Benjamin’s and Taylor’s attorney of record William D. Whiteman at said firm located at 4 Embarcadero Center, 17th Floor, San Francisco, CA 94111.

3. Said checks shall be mailed within thirty (30) days of the date of this Order.

IT IS SO ORDERED.

Dated: October 10, 2013



THE HONORABLE LAUREL BEELER
United States Magistrate Judge