

**JOHNSON SCHACHTER & LEWIS**  
A PROFESSIONAL LAW CORPORATION  
2180 HARVARD STREET, SUITE 560  
SACRAMENTO, CA 95815  
TELEPHONE: (916) 921-5800 / FACSIMILE: (916) 921-0247

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

LUTHER R. LEWIS (SBN 109346)  
JOHNSON SCHACHTER & LEWIS  
A Professional Law Corporation  
2180 Harvard Street, Suite 560  
Sacramento, CA 95815  
luther@jssl-law.com  
Telephone: (916) 921-5800  
Facsimile: (916) 921-0247

Attorneys for Plaintiff  
JACKSON NATIONAL LIFE INSURANCE COMPANY

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

JACKSON NATIONAL LIFE INSURANCE )  
COMPANY, )  
  
Plaintiff, )  
  
v. )  
  
MONIKA M. FIMPEL; THEODORE )  
AARONS; QUETA AARONS )  
  
Defendants. )

CASE NO. C13-1648 EMC  
Hon. Edward M. Chen

**[PROPOSED] ORDER FOR DISMISSAL  
WITHOUT PREJUDICE AND RETURN  
OF INTERPLEADED FUNDS**

1. Plaintiff JACKSON NATIONAL LIFE INSURANCE COMPANY (Plaintiff) has filed a "Notice of Dismissal Without Prejudice" pursuant to Federal Rule of Civil Procedure 41(a)(1).
2. No Defendant in this matter has served an answer or a motion for summary judgment.
3. Plaintiff interpleaded \$508,204.33 with the Court pursuant to 28 U.S.C. section 1335 and General Order No. 31, Order Regarding Deposit and Investment of Registry Funds.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

4. Therefore, Plaintiff requests that this Order be executed and entered by the Court so that this entire action be dismissed without prejudice and that money in issue may be dispersed to Plaintiff.

**ORDER OF THE COURT**

This action is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1). Dismissal is proper as no defendant has served an answer or a motion for summary judgment. Plaintiff JACKSON NATIONAL LIFE INSURANCE COMPANY (Plaintiff) interpleaded \$508,204.33 with this Court. The Court orders that the amount contained in this account be dispersed to "Jackson National Life Insurance Company."

IT IS SO ORDERED.

9/18/13

Dated

Judge, United States District Court



**PROOF OF SERVICE**

**CASE NAME: JACKSON NATIONAL LIFE INSURANCE CO. v. FIMPEL, et al.**  
**CASE NO.: USDC NORTHERN DISTRICT**

I am employed in the County of Sacramento. I am over the age of eighteen years and not a party to the within above-entitled action. My business address is 2180 Harvard Street, Suite 560, Sacramento, CA 95815.

I am familiar with this office's practice whereby the mail is sealed, given the appropriate postage and placed in a designated mail collection area. Each day's mail is collected and deposited in a United States mailbox after the close of each day's business.

On the date listed below, I served the following: **[PROPOSED] ORDER FOR NOTICE OF DISMISSAL WITHOUT PREJUDICE AND RETURN OF INTERPLEADED FUNDS**

By (CM/ECF) Electronic Case File System with the United States District Court, Northern District of California, at all parties listed on the Court's proof of electronic service

United States Mail - on all parties in said action by placing a true copy of the above described document(s) enclosed in a sealed envelope in the designated area for outgoing mail addressed as set forth below.

By FACSIMILE (telecopier) - by personally sending to the addressee's facsimile number a true copy of the above-described document(s).

Federal Express - on all parties in said action by placing a true copy of the above-described document(s) in an authorized area for pick-up by an authorized express service courier the same day it is collected and processed in the ordinary course of business as set forth below.

Personal Service - By personally delivering or causing to be delivered a true copy of the above-described document to the person(s) and at the address(es) set forth as shown below.

Kristofer W. Biorn, Esq.  
Crist, Biorn, Shepherd & Roskoph  
917 Alma Street  
Palo Alto, CA 94301  
Tel: (650) 321-5007  
Fax: (650) 618-1628  
kwb@cbsrlaw.com  
**Attorney for Monika Fimpel**

Kevin P. McCarthy, Esq.  
Sheryl A. Traum, Esq.  
McCarthy & McCarthy, LLP  
492 Ninth Street, Suite 220  
Oakland, CA 94607  
[straum@mccarthyllp.com](mailto:straum@mccarthyllp.com)  
Tel: (510) 839-8100  
Fax: (510) 839-8108  
**Attorney for Theodore Aarons and  
Oueta Aarons**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on September 11, 2013, at Sacramento, California.

  
REBECCA CALLAHAN