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9 THE LINCOLN NATIONAL LIFE
10 INSURANCE COMPANY and THE
11 MBLOX, INC. GROUP INSURANCE PLAN

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

DENTONS US LLP
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15 KATHLEEN MORGAN,
16 Plaintiff,

17 vs.

18 LINCOLN NATIONAL LIFE
19 INSURANCE COMPANY and THE
20 MBLOX, INC. GROUP INSURANCE
21 PLAN,
22 Defendants.

Case No. 3:13-CV-04496-LB

**JOINT STIPULATION TO DISMISS
DEFENDANT THE MBLOX, INC.
GROUP INSURANCE PLAN
WITHOUT PREJUDICE**

ORDER

23 Plaintiff Kathleen Morgan and defendant The Lincoln National Life Insurance Company
24 (“Lincoln”) through their respective counsel hereby stipulate to dismiss named defendant The
25 mBlox, Inc. Group Insurance Plan without prejudice pursuant to Rule 41(a)(1)(A)(ii) and to
26 amend the case caption to reflect dismissal.

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This dismissal is based on the parties' agreement that (1) the long term disability plan at issue in this case is fully insured by Group Long Term Disability Policy No. 10111274 ("Policy") issued by defendant Lincoln; (2) Lincoln is responsible for payment of all sums that may be due to plaintiff under this Policy; (3) Lincoln will pay all sums, if any, that this Court finds to be due to plaintiff arising from the allegations set forth in the Complaint, including any award of attorneys' fees and/or costs; and (4) Lincoln will not assert failure to name the employer or plan as a defense in this matter.

The parties therefore respectfully ask the Court to dismiss defendant The mBlox, Inc. Group Insurance Plan, without prejudice, and to amend the case caption accordingly.

IT IS SO STIPULATED.

Dated: October 30, 2013 LEWIS, FEINBERG, LEE, RENAKER & JACKSON, P.C.

By /s/ Julie Wilensky
NINA WASOW
JULIE WILENSKY

Attorneys for Plaintiff
KATHLEEN MORGAN

Dated: October 30, 2013 DENTONS US LLP

By /s/ Douglas A. Scullion
DOUGLAS A. SCULLION
ANNA RASSOULI

Attorneys for Defendants
THE LINCOLN NATIONAL LIFE INSURANCE
COMPANY and THE MBLOX, INC. GROUP
INSURANCE PLAN

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: November 12, 2013



UNITED STATES MAGISTRATE JUDGE