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18 Attorneys for Defendant  
19 N.W. (a minor)

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

21 THE LINCOLN NATIONAL LIFE  
22 INSURANCE COMPANY,

23 Plaintiff,

24 v.

25 N.W. (a minor), TANYA MORRIS-  
26 HARVEY,

27 Defendants.  
28

Case No. 3:15-cv-05763 EMC

**JOINT STIPULATION AND AMENDED  
~~[PROPOSED]~~ ORDER FOR DISMISSAL  
OF THE LINCOLN NATIONAL LIFE  
INSURANCE COMPANY AND FOR  
PARTIAL DISTRIBUTION OF  
INTERPLEADED FUNDS**

1 **JOINT STIPULATION**

2 Plaintiff The Lincoln National Life Insurance Company (“Lincoln”) and defendants N.W.  
3 (a minor) and Tanya Morris-Harvey through their respective counsel of record, hereby stipulate  
4 and agree as follows and respectfully request that the Court approve and give effect to their  
5 stipulation and enter the attached proposed order for dismissal and partial distribution of the  
6 interpleaded funds.

7  
8 1. This is an interpleader action. As alleged in the Complaint, Lincoln was faced  
9 with competing claims from defendants N.W. and Tanya Morris-Harvey (collectively,  
10 “Defendants”) to the proceeds of a group life insurance policy, Policy No. 000010131144 (the  
11 “Policy”). Consequently, on December 16, 2016, Lincoln filed this interpleader action seeking a  
12 judicial determination of the proper policy beneficiary and an order discharging it from any  
13 further liability under the Policy.

14 2. On March 8, 2016, this Court entered an Order granting Lincoln motion for leave  
15 to deposit the Policy proceeds with the Court and, on March 11, 2016, Lincoln deposited with  
16 the Court Clerk the proceeds of the Policy, with interest, in the total sum of \$101,443.84 (the  
17 “Deposited Funds”).

18  
19 3. Defendant Morris-Harvey filed her Answer to the Complaint on January 18, 2016.  
20 Defendant N.W. filed her response to the complaint on March 9, 2016. Both allege they were the  
21 sole designated beneficiary of the Policy at the time of the insured’s death.

22 4. A Case Management Conference is currently scheduled in this matter for May 5,  
23 2016, at 9:30 a.m.

24  
25 5. Lincoln asserts no claim to any portion of the Deposited Funds, and neither  
26 Defendant asserts any claim against Lincoln.

27 6. THE PARTIES THEREFORE AGREE AND HEREBY STIPULATE that

1 Lincoln should be dismissed from this action, and that the sum of \$7,500 be distributed from the  
2 Deposited Funds to Lincoln as payment in full for whatever attorney's fees and costs Lincoln has  
3 incurred in this matter. Lincoln has also stipulated and agreed to produce its claim file to the  
4 Defendants through its initial disclosures.

5  
6 7. THE PARTIES FURTHER AGREE AND RESPECTFULLY REQUEST that the  
7 Court approve this Stipulation and enter the attached Proposed Order.  
8

9 Respectfully submitted,

10 Dated: April 29, 2016

DENTONS US LLP

11  
12 By /s/ Douglas A. Scullion  
13 DOUGLAS A. SCULLION  
14 Attorneys for Plaintiff  
15 THE LINCOLN NATIONAL LIFE INSURANCE  
16 COMPANY

17 Dated: April 29, 2016

VAUGHT & BOUTSRIS, LLP

18 By /s/ Jon R. Vaught  
19 JON R. VAUGHT  
20 Attorneys for Defendant  
21 TANYA MORRIS-HARVEY

22 Dated: April 29, 2016

KANTOR & KANTOR, LLP

23 By /s/ Alan E. Kassan  
24 ALAN E. KASSAN  
25 Attorneys for Defendant  
26 N.W. (a minor)

**AMENDED [~~PROPOSED~~] ORDER**

Having considered the parties' attached Joint Stipulation dated April 29, 2016, and good cause appearing therefore, IT IS HEREBY ORDERED as follows:

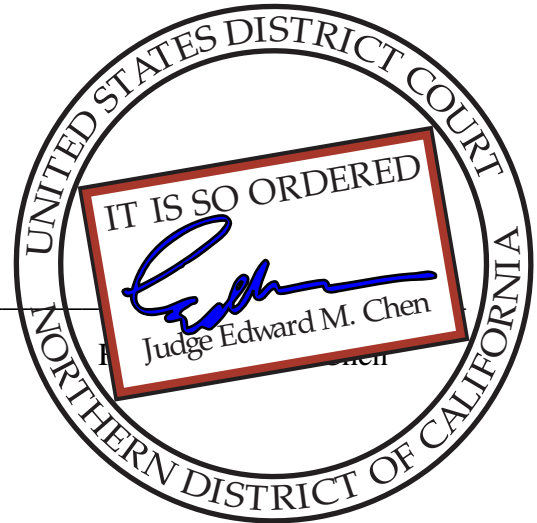
1. Lincoln is dismissed without prejudice from this suit;
2. The Defendants are enjoined from filing any suit against Lincoln for the recovery of Policy benefits or the Deposited Funds in this or any other court; and
3. Lincoln is entitled to and will receive \$7,500.00 in partial reimbursement of its costs and attorneys' fees from the Deposited Funds. Upon entry of this Order the Clerk of the Court shall issue a check to Lincoln in the amount of \$7,500.00, made payable as follows:

The Lincoln National Life Insurance Company  
 Tax ID No. 35-0472300  
 c/o Douglas A. Scullion  
 Dentons US LLP  
 525 Market Street, 26th Floor  
 San Francisco, CA, 94105

**IT IS SO ORDERED.**

May 4, 2016

Dated: \_\_\_\_\_



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