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10 Attorneys for Defendant  
 The Lincoln National Life Insurance  
 11 Company

12  
 13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA

15 DARRELL WILEY,

No. C 16-02811 WHO

16  
 17 Plaintiff,

**STIPULATION RE DISMISSAL  
 WITH PREJUDICE AND ORDER**

18 vs.

19 THE LINCOLN NATIONAL LIFE  
 INSURANCE COMPANY,

20 Defendants.  
 21 \_\_\_\_\_/

22 WHEREAS, Plaintiff filed his Complaint on May 25, 2016 alleging a cause of action  
 23 for ERISA benefits due; and

24 WHEREAS, Plaintiff and Defendants have resolved this matter.

25 IT IS THEREFORE STIPULATED by and between Plaintiff Darrell Wiley and Defendant  
 26 The Lincoln National Life Insurance Company that, pursuant to Federal Rules of Civil Procedure 41  
 27 (a)( 1 )(A)(i i), this action and all claims Plaintiff Darrell Wiley has asserted against Defendant in  
 28

1 this action are dismissed with prejudice. Plaintiff and Defendants stipulate that each party shall bear  
2 their own attorneys' fees and costs.

3  
4 Dated: December 16, 2016 \_\_\_\_\_ By: /s/ Laurence F. Padway  
5 Laurence F. Padway  
6 Attorney for plaintiff  
7 Darrell Wiley

8 Dated: December 16, 2016 DENTONS US LLP  
9  
10 By: /s/ Douglas A. Scullion  
11 Douglas A. Scullion  
12 Anna S. Youssefi  
13 Attorneys for Defendant  
14 THE LINCOLN NATIONAL LIFE INSURANCE  
15 COMPANY

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**ORDER**

The Court, having considered the Stipulation of the parties and good cause appearing thereon, orders as follows:

- 1) The matter is dismissed with prejudice against Defendants pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(ii);
- 2) Each party shall bear their own attorneys' fees and costs; and
- 3) The Court shall retain jurisdiction over this matter to enforce the terms of the Settlement Agreement and Release.

IT IS SO ORDERED.

Dated: December 19, 2016

By:   
Hon. William H. Orrick  
United States District Court Judge