

*Ropers Majeski Kohn & Bentley
A Professional Corporation
Redwood City*

1 STACY M. TUCKER. (SBN 218942)
2 ROPERS, MAJESKI, KOHN & BENTLEY
3 1001 Marshall Street, Suite 500
4 Redwood City, CA 94063-2052
5 Telephone: (650) 364-8200
6 Facsimile: (650) 780-1701
7 Email: stacy.tucker@rmkb.com
8 Attorneys for Defendants,
9 LIBERTY LIFE ASSURANCE COMPANY OF BOSTON and
10 WELLS FARGO & COMPANY

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 ROSA S. AGUIRRE,
14 Plaintiff,
15 v.
16 LIBERTY LIFE ASSURANCE
17 COMPANY OF BOSTON and WELLS
18 FARGO & COMPANY,
19 Defendants.

Case No: 3:18-cv-02416-JD

**STIPULATION AND [PROPOSED] ORDER
DISMISSING DEFENDANT WELLS
FARGO & COMPANY**

19 **WHEREAS**, this action arises under the Employee Retirement Income Security Act of
20 1974, as amended (“ERISA”), 29 U.S.C. Section 1132;

21 **WHEREAS**, WELLS FARGO & COMPANY (“Wells Fargo”) is an employer and plan
22 sponsor offering benefits to eligible employees under a group disability income policy issued by
23 Liberty Life Assurance Company of Boston (“Liberty Life”);

24 **WHEREAS**, plaintiff Rosa Aguirre named Wells Fargo as a defendant in this action;

25 **WHEREAS**, the complaint in this action pleads one claim against all defendants for relief
26 under ERISA, arising from the denial of benefits under the insurance policy to which plaintiff
27 alleges she is entitled;

28 **WHEREAS**, although Liberty Life denies that it or Wells Fargo is liable for any of the

1 claims, or under any of the theories, alleged by plaintiff in this action, Liberty Life agrees that it
2 will be liable for any judgment or settlement in this action;

3 **IT IS STIPULATED** that WELLS FARGO & COMPANY shall be and is hereby
4 dismissed from this action with prejudice, with each party to bear its own fees and costs, and
5 plaintiff shall neither amend, nor seek leave to amend, the complaint in this action to name
6 WELLS FARGO & COMPANY as a defendant in this action.

7 All signatories to this Stipulation, and on whose behalf the filing is submitted, concur in
8 the Stipulation's content and have authorized its filing.

9 **IT IS SO STIPULATED.**

10 Dated: June 5, 2018

DEFLINO GREEN & GREEN

12 By: /s/ William Green

13 William Green

14 Attorneys for Plaintiff, ROSA S. AGUIRRE

15 Dated: June 5, 2018

ROPERS, MAJESKI, KOHN & BENTLEY

17 By: /s/ Stacy Monahan Tucker

18 STACY MONAHAN TUCKER

19 Attorneys for Defendants, LIBERTY LIFE
20 ASSURANCE COMPANY OF BOSTON and
21 WELLS FARGO & COMPANY

Ropers Majeski Kohn & Bentley
A Professional Corporation
Redwood City

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

ORDER

IT IS HEREBY ORDERED that, pursuant to the parties' stipulation, WELLS FARGO & COMPANY ("Wells Fargo"), is hereby dismissed from this action with prejudice, with each party to bear its own fees and costs; and plaintiff shall neither amend, nor seek leave to amend, her complaint to name Wells Fargo as a defendant in this action.

Dated: June 26, 2018

By: _____
JAMES DONATO
UNITED STATES DISTRICT JUDGE

