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 10 MARK FAGAN

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 MARK FAGAN,
 14 Plaintiff,
 15 vs.

Case No.: No. C 09-02658 PJH

**STIPULATION RE PLAINTIFF'S
 REASONABLE ATTORNEYS FEES AND
 COSTS; [PROPOSED] ORDER**

16 LIFE INSURANCE CO. OF NORTH
 17 AMERICA and NOVARTIS VACCINES
 18 AND DIAGNOSTICS, INC., et al.,
 19 Defendant

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 21 On August 19, 2010, the Court decided this case by issuing its "Order Re Cross-Motions
 22 For Summary Judgment." (Document No. 40) The Court granted plaintiff's Motion and denied
 23 Defendant's Motion. The Court also granted plaintiff's request for an award of reasonable
 24 attorney's fees and costs. The Court further ordered that: "The parties shall first attempt to
 25 negotiate a reasonable amount of fees and only if unsuccessful, plaintiffs shall file a motion for
 26 fees and costs pursuant to Civil Local Rule 54-5."

27 On September 29, 2010, the parties completed the court ordered negotiations and agreed
 28 that defendants, Life Insurance Company of North America and Novartis Vaccines and

1 Diagnostics, Inc., would pay Plaintiff, Mark Fagan, \$137,410, as the reasonable amount of
2 attorneys' fees and costs in the above-captioned matter.

3 **IT IS HEREBY STIPULATED**, by and between the parties to this action that (1)
4 defendants, Life Insurance Company of North America and Novartis Vaccines and Diagnostics,
5 Inc., will pay Plaintiff, Mark Fagan, \$137,410 as the reasonable amount of attorneys' fees and
6 costs in the above-captioned matter; and (2) that said attorneys' fees and costs payment shall be
7 delivered to plaintiff's counsel's office no later than 5 p.m. on Monday, October 18, 2010.

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9 Dated: October 5, 2010

DELFINO GREEN & GREEN

10
11 /s/

12 William Green
13 Attorneys for Plaintiff Mark Fagan

14
15 Dated: October 5, 2010

16 WILSON, ELSER, MOSKOWITZ,
17 EDELMAN & DICKER, LLP

18 /s/

19 Charan M. Higbee
20 Attorneys for Life Insurance
21 Company of North America and
22 Novartis Vaccines and Diagnostics,
23 Inc.

24
25 **ORDER**

26 The parties having stipulated as above and good cause appearing therefore, defendants,
27 Life Insurance Company of North America and Novartis Vaccines and Diagnostics, Inc., are
28 hereby ordered to: (1) pay Plaintiff, Mark Fagan, \$137,410, as the reasonable amount of

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1 attorneys' fees and costs in the above-captioned action; and (2) deliver said attorneys' fees and
2 costs payment to plaintiff's counsel's office no later than 5 p.m. on Monday, October 18, 2010.

3 **IT IS SO ORDERED.**

4 Dated: 10/21/10

