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 UBS AG

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 OAKLAND DIVISION

12 TRANS PACIFIC NATIONAL BANK,
 13 Plaintiff,
 14 v.
 15 UBS AG; LINCOLN BENEFIT LIFE
 COMPANY, and DOES 1-15, inclusive,
 16 Defendants.

No. 09-CV-04617 SBA

Action Filed: August 24, 2009

STIPULATION AND ORDER FOR
 DISBURSEMENT OF
 FUNDS

HOWARD
 RICE
 NEMEROVSKI
 CANADY
 FALK
 & RABKIN
 A Professional Corporation

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1 The parties to the above-entitled matter hereby stipulate and agree as follows:

2 WHEREAS, Plaintiff and Counterdefendant Trans Pacific National Bank (“Trans
3 Pacific”) brought the above entitled action in state court seeking to obtain the proceeds of
4 the surrender value of a life insurance policy, Policy No. 01N1PO2369 (“the Policy”), issued
5 by Defendant, Cross-Claimant, and Counterclaimant Lincoln Benefit Life Company
6 (“Lincoln”), that had been assigned to Defendant and Cross-Defendant UBS AG (“UBS”) as
7 collateral for debts owed by John Bui to UBS;

8 WHEREAS, Lincoln removed the case to this Court and then deposited with this Court
9 \$3,297,649.85, which was the surrender value of the Policy, employing the interpleader
10 process pursuant to 28 U.S.C. Section 2361;

11 WHEREAS, UBS filed a motion to dismiss Trans Pacific’s complaint and, on June 9,
12 2010, this Court entered its Order Granting Defendant UBS AG’s Motion to Dismiss
13 dismissing all of Trans Pacific’s claims against UBS with prejudice and without leave to
14 amend;

15 WHEREAS, the parties agree that no claims remain before this Court concerning the
16 disposition of the amount in interpleader;

17 WHEREAS, UBS AG is now entitled to the full surrender value of the Policy less any
18 attorneys fees and expenses due to Lincoln; and

19 WHEREAS, Lincoln asserts a claim for \$3,558.45 of attorneys fees and expenses for
20 the interpleader pursuant to 28 U.S.C. Section 2361, which neither UBS nor Trans Pacific
21 contest.

22 NOW THEREFORE, the parties seek an order as follow:

23 1. The Court shall and hereby does direct the Clerk of the Court to disburse the
24 funds on deposit with the Court in this case as follows:

25 2. \$3,558.45 by check made out to “Lincoln Benefit Life Company” and delivered
26 to Andrea Anapolsky, of Seyfarth Shaw LLP, counsel of record for Lincoln.

27 3. All remaining funds on deposit in this case, including all interest earned on the
28 funds on deposit, by check made out to UBS AG and delivered to Gilbert R. Serota, Howard

1 Rice Nemerovski et. al., counsel of record for UBS AG.

2 4. Lincoln is hereby discharged from any and all liability on or arising out of: (a) the
3 Policy; (b) the rights and obligations of the parties to this action with respect to the surrender
4 value of the Policy.

5 5. The Policy is void and of no further force or effect and neither UBS nor Trans
6 Pacific will initiate any other legal actions against Lincoln regarding the Policy.

7 SO STIPULATED.

8 DATED: October 29, 2010.

GILBERT R. SEROTA
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Three Embarcadero Center, 7th Floor
San Francisco, CA 94111-4024

12 By: /s/ Gilbert R. Serota
GILBERT R. SEROTA

14 Attorneys for Defendant and Cross-Defendant UBS
AG

15 DATED: October 29, 2010.

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19 By: /s/ Walter W. Gouldsbury III
WALTER W. GOULDSBURY III

20 Attorneys for Plaintiff and Counter-Defendant
TRANS PACIFIC NATIONAL BANK

21 DATED: October 29, 2010.

PETER E. ROMO, JR.
ANDREA ANAPOLSKY
SEYFARTH SHAW LLP
560 Mission Street, Suite 3100
San Francisco, CA 94105

25 By: /s/ Andrea Anapolsky
ANDREA ANAPOLSKY

26 Attorneys for Defendant, Cross-Claimant, and
27 Counterclaimant LINCOLN BENEFIT LIFE
COMPANY

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& RABKIN
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GENERAL ORDER 45 ATTESTATION

I, Gilbert R. Serota, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order for Disbursement of Funds. In compliance with General Order 45, section X.B., I hereby attest that I have on file the concurrences for any signatures indicated by a “conformed” signature (/s/) within this efiled document.

DATED: October 29, 2010.

/s/ Gilbert R. Serota
GILBERT R. SEROTA

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 11/1/10

Saundra B. Armstrong
JUDGE SAUNDRA BROWN ARMSTRONG

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