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14 **UNITED STATES DISTRICT COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA**

16
17 JOHNSON LEUNG, CARINA SINZI LEUNG by
and through her Guardian ad Litem, JOHNSON
18 LEUNG

19 Plaintiff,

20 vs.

21 CIGNA, LIFE INSURANCE COMPANY OF
NORTH AMERICA, and DOES 1 THROUGH 100,
22 inclusive,

23 Defendants.

) Case No. C10-0620 PJH

) **STIPULATION TO DISMISS
DEFENDANT CIGNA, AMEND
COMPLAINT, AND WITHDRAW
MOTION TO DISMISS;
[PROPOSED] ORDER**

24
25 **WHEREAS**, Plaintiffs Johnson Leung and Carina Sinsi Leung (“Plaintiffs”) filed a
26 complaint in San Francisco Superior Court naming as defendants, CIGNA and Life Insurance
27 Company of North America.

1 7. Defendant LINA's Motion to Dismiss, filed on February 16, 2010 (docket #4), shall
2 be withdrawn.

3
4 Date: March __, 2010

5 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

6 By: _____
7 ADRIENNE C. PUBLICOVER
8 SHILPA G. DOSHI
9 Attorneys for Defendant
10 LIFE INSURANCE COMPANY OF NORTH
11 AMERICA

12 Date: March 21, 2010

13 THE LAW OFFICE OF SCOTT RIGHTHAND

14 By: 
15 SCOTT D. RIGHTHAND
16 Attorneys for Plaintiffs
17 JOHNSON LEUNG; CARINA SIN SI LEUNG

18 **ORDER**

19 Based foregoing stipulation by the parties, the Court hereby orders that

- 20 (1) Defendant CIGNA is hereby dismissed from this action without prejudice;
21 (2) the State Law Claims brought by Plaintiffs in their original complaint are hereby dismissed
22 without prejudice;
23 (3) Plaintiffs shall file a first amended complaint to state a cause(s) of action under ERISA
24 within 30 days of the date the parties' stipulation was filed with the Court;
25 (4) Defendant LINA's Motion to Dismiss is hereby considered withdrawn.

26 **IT IS SO ORDERED.**

27 Dated: 3/29/10

28

HON. PH  TON
United States District Court Judge

STIPULATION TO DISMISS DEFENDANT CIGNA, AMEND COMPLAINT, AND WITHDRAW MOTION TO DISMISS; [PROPOSED] ORDER

USDC Case No.: C10-0620 PJH
522027.4

1 **CERTIFICATE OF SERVICE**

2 *Johnson Leung, et al. v. CIGNA, et al.*
3 *USDC, North District Court Case No.: C10-00620 PJH*

4 I am a citizen of the United States. I am over the age of eighteen years and am not a party
5 to the within cause. I am employed in the City and County of San Francisco, California and my
6 business address is 525 California Street, 17th Floor, San Francisco, California 94105. On this date
7 I served the following document(s):

8 **STIPULATION TO DISMISS DEFENDANT CIGNA, AMEND COMPLAINT, AND
9 WITHDRAW MOTION TO DISMISS; [PROPOSED] ORDER**

10 on the parties identified below, through their attorneys of record, by placing true copies thereof in
11 sealed envelopes addressed as shown below by the following means of service:

12 : **By First Class Mail** -- I caused each such envelope, with first class postage thereon fully
13 prepaid, to be deposited in a recognized place of deposit of the U.S. Mail in San Francisco,
14 California, for collection to the office of the addressee following ordinary business practices.

15 : **By Personal Service** -- I caused each such envelope to be given to a courier messenger who
16 personally delivered each such envelope to the office of the address.

17 : **By Overnight Courier** -- I caused each such envelope to be given to an overnight mail
18 service at San Francisco, California, to be hand delivered to the office of the addressee on the next
19 business day.

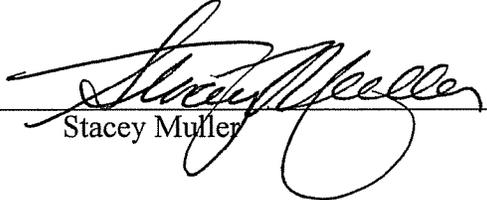
20 : **Facsimile** -- (Only where permitted. Must consult CCP § 1012.5 and California Rules of
21 Court 2001-2011. Also consult FRCP Rule 5(e). Not currently authorized in ND.CA.)

22 : **Electronic E-Filing** -- I caused the attached document to be electronically transmitted on the
23 Northern District website to the parties named below.

24 Scott D. Righthand, Esq.
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26 A Professional Corporation
27 465 California Street, Suite 300
28 San Francisco, CA 94105
Attorney for Plaintiffs
Johnson Leung, Carina Sinsi Leung, by and through
Her Guardian ad Litem, Johnson Leung

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

EXECUTED **March 22, 2010** at San Francisco, California.


Stacey Muller