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6 Attorneys for Defendant/Third-Party Plaintiff  
 PRUDENTIAL INSURANCE COMPANY OF AMERICA

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

11 JOSEPHINE T. HEARTWELL,  
 12 Plaintiff,

13 v.

14 PRUDENTIAL INSURANCE COMPANY  
 OF AMERICA, and DOES 1 to 20,  
 15 Defendants.

) Case No.: 10-cv-04751-CW

) STIPULATION FOR DISMISSAL OF  
 ) ACTION PURSUANT TO F.R.C.P.  
 ) 41(a)(1)(A)(ii)

) State Court Action Filed: September 20, 2010  
 ) Removal Filed: October 20, 2010

18 THE PRUDENTIAL INSURANCE  
 COMPANY OF AMERICA,  
 19 Third Party Plaintiff,

21 v.

22 GEORGE E. HEARTWELL, SR.,  
 Third Party Defendant.

) [F.R.C.P. 26(f); Civ. L.R. 16-9(a)]

1 IT IS HEREBY STIPULATED by and between the parties to this action, through their  
2 designated counsel if represented, that the above-referenced action be and hereby is dismissed  
3 with prejudice pursuant to Federal Rules of Civil Procedure 41(a)(1). The parties have reached  
4 a settlement outside of court proceedings and believe the settlement is in the best interests of all  
5 parties involved in this action. Plaintiff Josephine Heartwell and Third-Party Defendant George  
6 Heartwell, Sr. shall bear their own attorneys' fees and costs incurred in connection with the  
7 dispute over the Death Benefit and/or the Plan, including through the negotiation and execution  
8 of the settlement agreement; upon consent of all parties, Prudential's attorneys' fees have been  
9 deducted from the Death Benefit at issue.

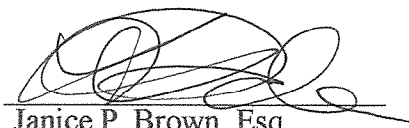
10 DATED: May 12, 2011

PLAINTIFF

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12  
13 By:   
14 Josephine Heartwell, *pro se*  
PLAINTIFF

15  
16 DATED: May 16, 2011

BROWN LAW GROUP

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19 By:   
20 Janice P. Brown, Esq.  
21 Stacy L. Fode, Esq.  
22 Attorneys for Defendant and Third-Party  
23 Plaintiff PRUDENTIAL INSURANCE  
COMPANY OF AMERICA

24 DATED: May \_\_, 2011

THORKELSON LAW

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27 By: \_\_\_\_\_  
28 Anne E. Thorkelson, Esq.  
Attorney for Third-Party Defendant  
GEORGE HEARTWELL, SR.

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DATED: May \_\_, 2011

**PLAINTIFF**

By: \_\_\_\_\_  
Josephine Heartwell, *pro se*  
PLAINTIFF

DATED: May \_\_, 2011

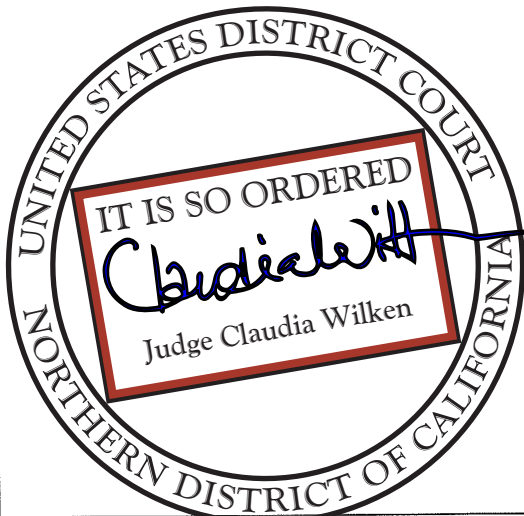
**BROWN LAW GROUP**

By: \_\_\_\_\_  
Janice P. Brown, Esq.  
Stacy L. Fode, Esq.  
Attorneys for Defendant and Third-Party  
Plaintiff PRUDENTIAL INSURANCE  
COMPANY OF AMERICA

DATED: May 13, 2011

**THORKELSON LAW**

By: Anne E. Thorkelson  
Anne E. Thorkelson, Esq.  
Attorney for Third-Party Defendant  
GEORGE HEARTWELL, SR.



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**PROOF OF SERVICE**

*Josephine T. Heartwell v. Prudential Insurance Company of America*  
USDC – North District Case No.: 4:10-cv-04751-CW

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action; my business address is 600 B Street, Suite 1650, San Diego, California 92101.

On *June 6, 2011*, I served the foregoing document(s) described as:

**STIPULATION FOR DISMISSAL OF ACTION  
PURSUANT TO F.R.C.P. 41(a)(1)(A)(ii)**

on all interested parties in this action in the following manner as set forth below:

( X ) **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (“NEF”)**: Pursuant to controlling General Order(s) and Federal Rules Of Civil Procedure (“F.R.Civ.P.”), the foregoing document will be served by the court via CM/ECF and hyperlink to the document. On *June 6, 2011* I checked the CM/ECF docket for this civil action and determined that the following person(s) are on the *Electronic Mail Notice List* to receive CM.ECF transmission at the email address(es) indicated below:

- Peter Schwartz, Esq. - [Peter-jrd@pacbell.net](mailto:Peter-jrd@pacbell.net)
- Anne E. Thorkelson, Esq. - Email: [thorkelsonlaw@gmail.com](mailto:thorkelsonlaw@gmail.com)

( X ) **TO BE SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served)**: On *June 6, 2011*, I served the following person(s) and/or entity(ies) at the last known address(es) in this civil action by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. *Listing the Judge here constitutes a declaration that mailing to the Judge will be completed no later than twenty-four (24) hours after the document is filed:*

*Service information continued on the “Service List” attached*

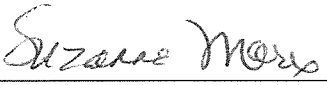
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( ) **TO BE SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served):** Pursuant to F.R.Civ.P. 5 on *June 6, 2011*, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. *Listing the Judge here constitutes a declaration that personal delivery on the Judge will be completed no later than twenty-four (24) hours after the document is filed:*

*Service information continued on the "Service List" attached*

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed *June 6, 2011* at San Diego, California.

  
\_\_\_\_\_  
*Suzanne Marx - Declarant*

U.S. MAIL and/or EMAIL SERVICE LIST

1 2 3 4 5 6 7	Hon. Donna M. Ryu Magistrate Judge – Courtroom 4 U.S. DISTRICT COURT Northern District of California 1301 Clay Street Oakland, California 94612 Email: <a href="mailto:DMRpo@cand.uscourts.gov">DMRpo@cand.uscourts.gov</a> (.pdf follow-up: <a href="mailto:DMRpdf@cand.uscourts.gov">DMRpdf@cand.uscourts.gov</a> )	<i>Chambers / Courtesy Copy</i> – Via Overnight Mail
8 9 10 11	Josephine T. Heartwell 15024 Costella Street San Leandro, California 94579 Telephone: Unknown Facsimile: Unknown Email: <a href="mailto:jheartwell@yahoo.com">jheartwell@yahoo.com</a>	Plaintiff, <i>Josephine T. Heartwell, In Pro Se</i> – Via U.S. Mail <u>ONLY</u>
12 13 14	George E. Heartwell, Sr. 218 Heuser Avenue Princeton, WV 24740 Telephone: 304.425.8551 Facsimile: Unknown Email: <u>unknown</u>	Defendant, <i>George E. Heartwell, Sr., In Pro Se</i> – Via U.S. Mail <u>ONLY</u>
15 16 17 18 19 20	Peter Schwarz, Esq. Anne E. Thorkelson, Esq. LAW OFFICES OF PETER SCHWARZ 1390 Market Street, Suite 1204 San Francisco, California 94102 Telephone: 415.673.2283 Facsimile: 415.673.2437 Email: <a href="mailto:Peter-jrd@pacbell.net">Peter-jrd@pacbell.net</a> <a href="mailto:thorkelsonlaw@gmail.com">thorkelsonlaw@gmail.com</a>	Attorneys for Defendant, <i>George E. Heartwell, Sr.</i> – Via NEF

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