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8 Attorneys for Plaintiff  
AETNA LIFE INSURANCE COMPANY,  
ON BEHALF OF LEHMAN BROTHERS  
9 HOLDINGS, INC.

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION

13 AETNA LIFE INSURANCE COMPANY,  
ON BEHALF OF LEHMAN BROTHERS  
14 HOLDINGS, INC.,

15 Plaintiff,

16 vs.

17 THOMAS KOHLER and DIANE KIMSEU  
18 KOHLER,

19 Defendants.

Case No. C-11-00439-CW

**STIPULATION AND [PROPOSED]  
ORDER RE DEPOSIT OF DISPUTED  
FUNDS**

20 Plaintiff Aetna Life Insurance Company (the “Plaintiff”) and defendants Thomas Kohler  
21 and Diane Kimseu Kohler (collectively, “Defendants”) hereby agree to the following stipulation to  
22 be binding on the parties hereto and request this Court to approve the terms of this Stipulation Re  
23 Deposit of Disputed Funds as set forth herein:

24 1. Plaintiff has asserted a claim of entitlement to the settlement funds totaling  
25 \$144,628.56 (the “Disputed Funds”) that are currently held by the Superior Court of California,  
26 County of San Francisco in civil action *Kohler v. Warren*, Case No. CGC-09-489784 (“State  
27 Action”). Plaintiff is not a party to the State Action.  
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1           2.       The parties have agreed that this Court is the appropriate forum for resolution of  
2 Plaintiff's claims to the Disputed Funds, and Defendants have agreed to make their best efforts to  
3 effectuate (1) release of the Disputed Funds from the San Francisco Superior Court to Defendants'  
4 counsel (Andrew Klimenko at The Dolan Law Firm) for deposit into the client trust account for  
5 The Dolan Law Firm and (2) dismissal of the State Action. Defendants agree to take such action as  
6 required in this paragraph 2 as soon as possible, and will do so before the September 18, 2011 trial  
7 date in the State Action.

8           3.       Upon release of the Disputed Funds by the San Francisco Superior Court,  
9 Defendants and their counsel agree to take all steps necessary to immediately transfer such funds to  
10 The Dolan Law Firm's client trust account to be held in trust, pending final disposition of this  
11 federal court proceeding, either by settlement, final judgment by the district court, and expiration  
12 of all appeals from any decision by this district court or a subsequent decision by an appellate  
13 court.

14           4.       If the instant federal court action is resolved through final judgment by this Federal  
15 District Court, the Disputed Funds held in Defendants' counsel's client trust account shall not be  
16 distributed or otherwise released until that judgment has become final and nonappealable, either  
17 through the passage of time or, if a notice of appeal is filed, upon final disposition of any appeal,  
18 including the exhaustion of proceedings in any remand or subsequent appeal on remand affirming  
19 this Court's final judgment.

20           5.       Notwithstanding paragraph 4 above, Defendants agree to comply with any final  
21 order entered by the Court regarding the disposition of the Disputed Funds within 45 days of  
22 Defendants' receipt of such order, and if the order is appealable, a signed and notarized agreement  
23 between the parties that neither party will appeal or otherwise challenge that order.

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1 IT IS SO STIPULATED.

2 DATED: July 26, 2011

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By: /s/Clarissa A. Kang  
Clarissa A. Kang

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Attorneys for Plaintiff Aetna Life Insurance  
Company, on behalf of Lehman Brothers  
Holdings, Inc.

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8 DATED: July 26, 2011

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By: /s/Andrew Klimenko  
Andrew Klimenko

11

Attorneys for Defendants Thomas Kohler and  
Diane Kimseu Kohler

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14 I attest that my firm has obtained Mr. Klimenko's concurrence in the filing of this document.

15

16 DATED: July 26, 2011

17

By: /s/Clarissa A. Kang  
Clarissa A. Kang

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**[PROPOSED] ORDER**

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PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.

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22 DATED: July 29, 2011

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Claudia Wilken  
Judge of the United States District Court

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