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6 Attorneys for Real Party in Interest
 CALIFORNIA PHYSICIANS' SERVICE DBA BLUE
 7 SHIELD OF CALIFORNIA

8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

11 GINA FISHER,)
)
 12 Petitioners,)
)
 13 vs.)
)
 14 THE ANDERSON BEHEL STEVEN CREEK)
 PORCHE AUDI EMPLOYEE BENEFIT)
 15 PLAN,)
)
 16 Defendant.)
)
 17)
)
 18 BLUE SHIELD OF CALIFORNIA,)
)
 19 Real Parties in Interest.)
)
 20)
)
 21)

CASE NO.: C 05 3790 RMW
 Hon. Ronald M. Whyte
**STIPULATION RE SATISFACTION OF
 JUDGMENT AND REQUEST FOR
 DISMISSAL PURSUANT TO RULE
 41(a)(1)(A)(ii) OF THE FEDERAL RULES
 OF CIVIL PROCEDURE; [~~PROPOSED~~]
 ORDER THEREON**

i:\office5\5667\336\08pleadings\stipulation and order re dismissal.doc

1 It is hereby stipulated by and between Plaintiff Gina Fisher and Real Party in Interest
2 California Physicians' Service dba Blue Shield of California ("Blue Shield") as follows:

3 1. On October 6, 2008, the Court issued its Judgment Remanding Case for Payment in
4 Accordance with Opinion on Review (Document 92), which required Blue Shield to process and
5 pay certain medical claims by Plaintiff as specified in the Court's October 6, 2008 Order
6 (Document 91).

7 2. Blue Shield processed the claims specified in the Court's October 6, 2008 Order and,
8 on November 20, 2008, forwarded payment of those claims, along with documents explaining the
9 calculation of the payment, to counsel for the Plaintiff.

10 3. There are no further issues to be determined by the Court in this action, and the
11 Court need not continue to retain jurisdiction over this case.

12 4. The parties wish the case to be dismissed and, therefore, request the case be
13 dismissed with prejudice pursuant to Rule 41(a)(1)(A)(ii).

14 Dated: December 18, 2008

BARGER & WOLEN LLP

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By: /s/ Andrew S. Williams
JOHN M. LE BLANC
ANDREW S. WILLIAMS
JUSTIN J. LOWE
Attorneys for Real Parties in Interest
California Physicians' Service dba Blue
Shield of California

21 Dated: December 18, 2008

LAW OFFICES OF LAURENCE F. PADWAY

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By: /s/ Laurence F. Padway
LAURENCE F. PADWAY
Attorneys for Plaintiff Gina Fisher

1 It is hereby stipulated by and between Plaintiff Gina Fisher and Real Party in Interest
 2 California Physicians' Service dba Blue Shield of California ("Blue Shield") as follows:

3 1. On October 6, 2008, the Court issued its Judgment Remanding Case for Payment in
 4 Accordance with Opinion on Review (Document 92), which required Blue Shield to process and
 5 pay certain medical claims by Plaintiff as specified in the Court's October 6, 2008 Order
 6 (Document 91).

7 2. Blue Shield processed the claims specified in the Court's October 6, 2008 Order and,
 8 on November 20, 2008, forwarded payment of those claims, along with documents explaining the
 9 calculation of the payment, to counsel for the Plaintiff.

10 3. There are no further issues to be determined by the Court in this action, and the
 11 Court need not continue to retain jurisdiction over this case.

12 4. The parties wish the case to be dismissed and, therefore, request the case be
 13 dismissed with prejudice pursuant to Rule 41(a)(1)(A)(ii).

14 Dated: December 18, 2008

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17 By: /s/ Andrew S. Williams
 18 JOHN M. LE BLANC
 19 ANDREW S. WILLIAMS
 20 JUSTIN J. LOWE
 Attorneys for Real Parties in Interest
 California Physicians' Service dba Blue
 Shield of California

21 Dated: December 18, 2008

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23 By: /s/ Laurence F. Padway
 24 LAURENCE F. PADWAY
 Attorneys for Plaintiff Gina Fisher

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ORDER

Having read and considered the foregoing stipulation of the parties, and good cause appearing therefor, the Court hereby orders this action dismissed with prejudice.

IT IS SO ORDERED.

Dated: 12/24/08


The Honorable Ronald M Whyte
United States District Court Judge