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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE BRANCH

BERKSHIRE LIFE INSURANCE COMPANY OF AMERICA, Plaintiff, v. BRANDON STAUFFER, Defendant.	Case No.: C 07-02622 (RMW) **STIPULATION AND ORDER OF DISMISSAL OF ACTION WITH PREJUDICE**
BRANDON STAUFFER, Cross-Complainant, vs. BERKSHIRE LIFE INSURANCE COMPANY OF AMERICA, THE GUARDIAN LIFE INSURANCE COMPANY OF AMERICA, and DOES 1-50, inclusive, Plaintiffs/Cross-Defendants.	

Plaintiffs/Cross-Defendants Berkshire Life Insurance Company of America and The Guardian Life Insurance Company of America and Defendant/Cross-Complainant Brandon Stauffer have reached a resolution of this matter. The parties agree to dismiss this action in its

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entirety with prejudice, pursuant to Fed.R.Civ.P. 41(a). Each party shall bear its own fees and costs.

The Parties seek the Court's approval of dismissal of this action with prejudice through the order listed, *infra*.

IT IS SO STIPULATED.

DATED: February 12, 2010 **Wilson Elser Moskowitz Edelman & Dicker, LLP**

By: */s/ Sean P. Nalty*
Sean P. Nalty
Attorneys for Plaintiff/Cross-Defendant
Berkshire Life Insurance Company of America and
The Guardian Life Insurance Company of America

DATED: February 12, 2010 **Bourhis & Mann**

By: */s/ Lawrence Mann*
Ray Bourhis
Lawrence Mann
Attorneys for Defendant/Cross-Claimant
Brandon Stauffer

ORDER

It is hereby ordered that this matter be dismissed, with prejudice and in its entirety, as to all parties and as to all claims for relief.

IT IS SO ORDERED.

Date: 2/24, 2010

Ronald M. Whyte
The Honorable Ronald M. Whyte
United States District Judge