

1 ADRIENNE C. PUBLICOVER (SBN 161432)
 2 DENNIS J. RHODES (SBN 168417)
 3 WILSON, ELSER, MOSKOWITZ,
 4 EDELMAN & DICKER LLP
 5 525 Market Street, 17th Floor
 6 San Francisco, California 94105
 7 Tel: (415) 433-0990
 8 Fax: (415) 434-1370

9 Attorneys for Plaintiff
 10 PRINCIPAL LIFE INSURANCE
 11 COMPANY

E-FILED - 7/16/09

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION

15 PRINCIPAL LIFE INSURANCE)
 16 COMPANY,)

Case No.: 5:09-cv-01206-RMW

17 Plaintiff,)

~~PROPOSED~~ ORDER

18 v.)

19 HEARTMATH, LLC, THE INSTITUTE OF)
 20 HEARTMATH, ESTATE OF PAMELA A.)
 21 JOHNSON, KERRICK JOHNSON, KENNETH)
 22 JOHNSON and KRISTEN JOHNSON,)

23 Defendants.)

24 The Stipulation to Discharge and Dismiss and Request for Distribution of the Interpleader
 25 Funds came before this Court in due course. This Court finds as follows:

26 1. On March 19, 2009, Principal Life Insurance Company filed its Complaint for
 27 Interpleader Relief.

28 2. On June 9, 2009, Principal Life Insurance Company and Defendants HeartMath
 LLC, the Institute of HeartMath, the Estate of Pamela A. Johnson, Kerrick Johnson, Kenneth

~~PROPOSED~~ ORDER

1 Johnson and Kristen Johnson entered into a Settlement Agreement and Release of Claims regarding
2 life insurance proceeds on the life of Pamela A. Johnson in the amount of \$50,000.00 under group
3 life insurance policy No. H37811 (“Policy”), issued to HeartMath and insured and underwritten by
4 Principal Life Insurance Company.

5 **AS SUCH, IT IS HEREBY ORDERED:**

6 1. The Proceeds of the Policy previously deposited with the Clerk of Court shall be
7 disbursed as follows:

8 a. The Institute of HeartMath: \$250.00

9 b. Kerrick, Kenneth and Kristen Johnson: each 1/3 of the balance of the
10 interpleaded funds.

11 2. The Clerk of Court is further ordered to mail, by first class mail, said funds in checks
12 payable as follows:

13 a. \$250.00 to:

14 The Institute of HeartMath
15 c/o Dale Dawson
16 Dawson, Passafuime, Bowden & Martinez
17 4665 Scotts Valley Dr.
18 Scotts Valley, CA 95066-4227

19 b. 1/3 of the Balance of the interpleaded funds each to:

20 Kerrick Johnson
21 c/o Kathryn J Benner
22 8106 Glen Forest Drive
23 Greenville, SC 29607

24 Kenneth Johnson
25 c/o Kathryn J Benner
26 8106 Glen Forest Drive
27 Greenville, SC 29607

28 Kristen Johnson
c/o Kathryn J Benner
8106 Glen Forest Drive
Greenville, SC 29607

3. Principal Life Insurance Company is forever discharged and held harmless from any
claims by any putative beneficiaries or others under the Policy of insurance issued by it and

2
~~PROPOSED~~ ORDER

1 insuring the life of Pamela A. Johnson. Defendants are perpetually restrained and enjoined from
2 instituting or prosecuting any proceedings against Principal Life Insurance Company in any way
3 relating to the Policy or the subject insurance proceeds.

4 4. All parties release and discharge each other relative to any claims connected with
5 these proceedings, including all claims relating to the Policy and incurred attorneys' fees.

6 5. This case is dismissed with prejudice.

7

8

9 Dated: 7/16/09

By: *Ronald M. Whyte*
HONORABLE RONALD M. WHYTE
United States District Court Judge

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

PROOF OF SERVICE
Principal Life v. Heartmath, LLC
USDC NDCA Case #CV09-01206 RMW

I am a citizen of the United States. I am over the age of eighteen years and am not a party to the within cause. I am employed in the City and County of San Francisco, California and my business address is 525 Market Street, 17th Floor, San Francisco, California 94105.

On this date I served the following document(s).

PROPOSED ORDER

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

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

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

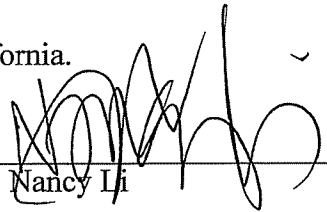
: **By Overnight Courier** -- I caused each such envelope to be given to an overnight mail service at San Francisco, California, to be hand delivered to the office of the addressee on the next business day.

: **Facsimile** -- (Only where permitted. Must consult CCP § 1012.5 and California Rules of Court 2001-2011. Also consult FRCP Rule 5(e). Not currently authorized in N.D.C.A.)

Kristin Pamela Johnson 111 Central Avenue, Apt. #2 Greenville, SC 29601 <i>Defendant</i>	Kenneth Johnson 325 Tanglewood Drive Hiram, GA 30141 <i>Defendant</i>
Dale H. Dawson, Esq. DAWSON, PASSAFUIME, BOWDEN & MARTINEZ 4665 Scotts Valley Drive Scotts Valley, CA 95066 <i>Attorneys for Defendants Heartmath LLC, Institute of Heartmath and Estate of Pamela A. Johnson</i>	Kerrick Johnson 1611 Read Avenue Chattanooga, TN 37408 <i>Defendant</i>

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 **June 26, 2009** at San Francisco, California.



Nancy Li

~~XXXXXX~~¹
PROPOSED ORDER