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E-FILED - 8/11/09

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

11 DIANE PELOSI HARRINGTON,)
 12 Plaintiff,)
 13 vs.)
 14 METROPOLITAN LIFE INSURANCE)
 COMPANY and, DOES 1 through 20,)
 15 inclusive,)
 16 Defendants.)

CASE NO.: C 09-02936 RMW
 ORDER DISMISSING
 PLAINTIFF'S THIRD CAUSE OF
 ACTION AND TAKING OFF
 CALENDAR DEFENDANT
 METROPOLITAN LIFE INSURANCE
 COMPANY'S MOTION TO DISMISS
 Hon. Ronald M. Whyte
 Date: August 21, 2009
 Time: 9:00 a.m.
 San Jose, Courtroom 6, 4th Floor
 [Filed Concurrently with Stipulation
 Regarding Dismissal of Plaintiff's Third
 Cause of Action]

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Pursuant to the stipulation of the parties, filed concurrently herewith, the Third Cause of Action asserted in Plaintiff Diane Pelosi Harrington’s (“Harrington”) Complaint is dismissed. Based on this stipulation, the motion to dismiss filed by Defendant Metropolitan Life Insurance Company (“MetLife”), which is set for hearing in Courtroom 6 on August 21, 2009, is hereby taken off-calendar.

MetLife shall file its answer to the remaining cause of action in the Complaint by no later than August 10, 2009.

IT IS SO ORDERED:

DATED: 8/11/09


District Court Judge