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Attorneys for Defendants
 METROPOLITAN LIFE INSURANCE
 COMPANY, METLIFE ENTERPRISE GENERAL
 INSURANCE AGENCY, INC., METLIFE
 SECURITIES, INC. and NAM PATEL

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

LOAY S. NASER,
 Plaintiff,

vs.

METROPOLITAN LIFE INSURANCE
 COMPANY, METLIFE ENTERPRISE
 GENERAL INSURANCE AGENCY, INC.
 METLIFE SECURITIES, INC., NAM
 PATEL, an individual, and DOES 1-25
 Defendants.

5:10-cv-04475 EJD
 CASE NO. 5:11-CV-04046- EJD

JOINT STIPULATION AND ~~PROPOSED~~
 ORDER TO DISMISS DEFENDANT NAM
 PATEL WITH PREJUDICE AND TO
 CONSOLIDATE THIS ACTION WITH CASE
 NUMBER 5:10-CV-04475-EJD AND FOR
 MISCELLANEOUS RELIEF

1 **Joint Stipulation and [Proposed] Order to Dismiss Defendant Nam Patel**
2 **With Prejudice and to Consolidate this Action With**
3 **Case Number 5:10-CV-04475-EJD and for Miscellaneous Relief**

4 The Parties -- Plaintiff Loay S. Naser (“Naser”) and Defendants Metropolitan Life
5 Insurance Company (“MetLife”), MetLife Securities, Inc., MetLife Enterprise General Insurance,
6 and Nam Patel (“Patel”) -- by and through their counsel of record, hereby stipulate as follows:

7 WHEREAS:

8 a. The Parties have held several meet and confer conferences within the past few weeks in
9 order to efficiently resolve various procedural and substantive issues that have arisen due to
10 having two concurrent federal lawsuits proceeding before this Court involving the same parties
11 and attorneys.

12 b. The Parties agree that the following requested relief will result in the efficient adjudication
13 of the controversies between the parties and avoid unnecessary and potentially duplicative
14 actions, thus saving Court and Party resources and time.

15 NOW, THEREFORE:

16 1. The Parties stipulate to the dismissal of Nam Patel from this lawsuit with prejudice, with
17 each party bearing its own costs and fees. Defendants hereby withdraw their Motion to Dismiss
18 Nam Patel (Docket #9).

19 2. The Parties further stipulate to and request that this action be consolidated with Case
20 Number 5:10-CV-04475-EJD, presently pending before Judge Edward J. Davila. Case Number
21 5:10-CV-04475-EJD has been pending since 2010, is between the same parties, and is based on
22 some of the same operable facts, although this case involves several additional operable facts and
23 legal claims.

24 3. The Parties finally stipulate to and request that this Court cancel its Case Management
25 Conference currently set for September 13, 2011, at 02:00 PM, in Courtroom 5. The Case
26 Management Conference will be unnecessary if the instant case is consolidated with Case
27 Number 5:10-CV-00475-EJD and the consolidated action is transferred to Judge Edward J.
28 Davila.

1 September 8, 2011

2 /s/ ETHAN G. ZELIZER
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Attorneys for Plaintiff, LOAY NASER

~~[PROPOSED]~~ ORDER

Upon the Parties' Joint Stipulation above and good cause appearing, it is

HEREBY ORDERED THAT:

(1) Defendant Nam Patel is dismissed from this lawsuit with prejudice, with each party bearing its own costs and fees. The clerk shall terminate Docket Item No. 9.

(2) This case is hereby consolidated with Case Number 5:10-CV-04475-EJD, pending before Judge Edward J. Davila such that 5:10-cv-4475 EJD is the lead case.

Since the later action is subsumed by the earlier, the Clerk shall administratively close 5:11-cv-04046 EJD. On or before December 20, 2011, Plaintiff shall file an Amended Complaint in light of the consolidation. Defendants shall file an answer or otherwise respond no later than 21 days from the filing of the Amended Complaint. The court will imminently issue a separate order addressing further scheduling issues. A copy of this Stipulation and Order shall be filed in both cases.

The Preliminary Pretrial Conference scheduled for 12/9/2011 is VACATED. Edward J. Davila
EDWARD J. DAVILA
United States District Judge

**JOINT STIPULATION AND
~~[PROPOSED]~~ ORDER**