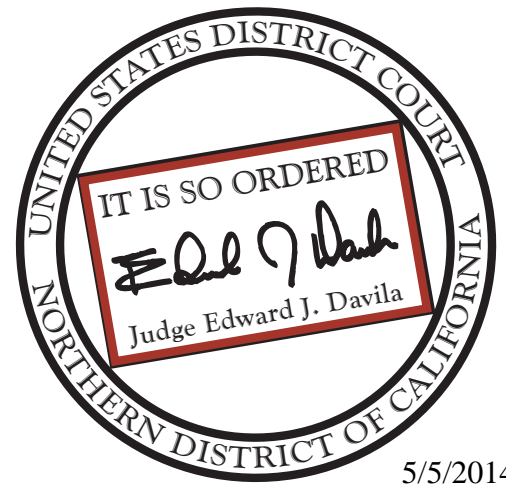


1 RICHARD J. DOREN, SBN 124666
 rdoren@gibsondunn.com
 2 HEATHER L. RICHARDSON, SBN 246517
 hrichardson@gibsondunn.com
 3 GIBSON, DUNN & CRUTCHER LLP
 333 South Grand Avenue
 4 Los Angeles, CA 90071-3197
 Telephone: 213.229.7000
 5 Facsimile: 213.229.7520

6 Attorneys for Defendants,
 Aetna Life Insurance Company, et al.



5/5/2014

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

12 Bay Area Surgical Group, Inc., et al.,
 13 Plaintiffs,
 14 v.
 15 Aetna Life Insurance Company, et al.,
 16 Defendants.

CASE NO. CV13-05430-EJD

**STIPULATION REGARDING DISMISSAL
 OF FULLY-INSURED PLANS AND CLAIMS
 WITH PREJUDICE**

Judge: Hon. Edward J. Davila

Trial Date: None Set

17
 18
 19
 20
 21
 22
 23
 24
 25
 26 ///
 27 ///
 28 ///

1 *Whereas*, Plaintiffs Bay Area Surgical Group, Inc., et al. (“Plaintiffs”) have informed
2 Defendant Aetna Life Insurance Company and the Court that they intend to only pursue legal and
3 equitable claims related to ERISA-governed self-funded plans in this action the (“Federal Action”),
4 and pursue all legal and equitable claims related to fully-insured plans in the pending state action (the
5 “State Action”), referred to in Aetna’s motion to stay (DKT Nos. 329, 641);

6 *Whereas*, Plaintiffs have dismissed without prejudice from the Federal Action plan sponsor
7 defendants that sponsored fully-insured health plans;

8 *Whereas*, Aetna and Cross-Complainants in the State Action have stipulated to an amendment
9 of the Cross-Complaint in the State Action to include solely claims for benefits arising under fully-
10 insured plans;

11 *Whereas*, in light of Plaintiffs’ election to pursue legal and equitable claims related to fully-
12 insured plans solely in the State Action, Plaintiffs have agreed to dismiss *with prejudice* from the
13 Federal Action:

14 (1) plan sponsor defendants that Aetna has identified as sponsors of fully-insured plans and
15 for which Aetna has produced documentation showing the fully-insured nature of those plans,
16 including ADP Totalsource, Inc., Al-Razaq Enterprises Group Incorporated, Avidex Industries,
17 L.L.C., Barracuda Networks, Inc., Blue Coat Systems, Inc., Bonhams & Butterfields Auctioneers
18 Corporation, Bridge Capital Holdings, Cadence Design Systems, Inc., Canon Anelva Corp., Cepheid,
19 CordeValle L.P., Dell Inc., Duran & Venables, Inc., Dynamic Details Design, LLC., Echelon
20 Corporation, Emulex Corporation, Encore Industries, Ericsson Television, Inc., Farmers Insurance
21 Company, Inc., GCA Services Group, Inc., Hathaway Dinwiddie Construction Company, HGST,
22 Inc., Infotech Enterprises America, Inc., Innovion Corporation, Intevac, Inc., K.R. Anderson, Inc.,
23 LiveOps, Inc., Luminex Corporation, LVI Services, Inc., Microsemi Corporation, Natus Medical
24 Incorporated, NDS Surgical Imaging LLC, Oasis Outsourcing Holdings, Inc., Opticomp Corporation,
25 Pinnacle Bank, Pole to Win America, Semtech Corp., SRI International, Telenav, Inc., Tolt, LLC,
26 Vitesse Semiconductor Corporation, WPG Americas, Inc., Zetta, Inc., dba Delaware Zetta, which
27 were previously dismissed without prejudice; and

28

1 (2) any legal and equitable claims asserted against Aetna or other plan sponsor defendants
2 insofar as they relate to claims for benefits made under any plan that Aetna identifies as being fully-
3 insured.

4
5 DATED: April 30, 2014

6 DARON TOOCH
7 KATHERINE M. DRU
8 HOOPER, LUNDY & BOOKMAN LLP

9 By: /s/ Katherine M. Dru
10 Daron L. Toooh, SBN 137269
11 dtoooh@health-law.com

12 Katherine M. Dru, SBN 280231
13 kdru@health-law.com

14 Attorneys for Plaintiffs Bay Area Surgical Group, Inc.,
15 et al.

16 DATED: April 30, 2014

17 RICHARD J. DOREN
18 HEATHER L. RICHARDSON
19 GIBSON, DUNN & CRUTCHER LLP

20 By: /s/ Heather L. Richardson
21 Richard J. Doren, SBN 124666
22 rdoren@gibsondunn.com

23 Heather L. Richardson, SBN 246517
24 hrichardson@gibsondunn.com

25 Attorneys for Defendants Aetna Life Insurance
26 Company, et al.