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10 UNITED STATES DISTRICT COURT
 11 DISTRICT OF NEVADA

12 VICKIE E. DELULLO,)
 13)
 Plaintiff,)
 14)
 vs.)
 15)
 ELLIS, BANDT, BIRKIN, KOLLINS &)
 16 WONG, P.C. PLAN; and)
 UNUM LIFE INSURANCE COMPANY)
 17 OF AMERICA, a Maine corporation,)
 18 Defendants.)

Case No.: 2:17-cv-02326-RFB-PAL

**STIPULATION AND ORDER TO
 DISMISS PLAINTIFF'S SECOND
 CLAIM FOR RELIEF**

19
 20 IT IS HEREBY STIPULATED by and between Plaintiff VICKIE E. DELULLO; Defendant
 21 ELLIS, BANDT, BIRKIN, KOLLINS & WONG, P.C. PLAN; and Defendant UNUM LIFE
 22 INSURANCE COMPANY OF AMERICA, a Maine corporation, through their respective attorneys
 23 of record, that the Second Claim for Relief, for specific performance, as set forth in paragraphs 29
 24 through 31 of Plaintiff's Complaint, is hereby dismissed with prejudice. The claim set forth in
 25 Plaintiff's First Claim for Relief specifically has not been dismissed by this stipulation and order.

26 There shall be no award of attorneys' fees or costs due and owing specifically as a result of
 27 this voluntary dismissal of Plaintiff's Second Claim for Relief; however, nothing in this Stipulation
 28 shall preclude or limit either party from requesting or being awarded costs and/or attorneys' fees, in

1 whole or in part, in the event that either party is deemed the prevailing party upon the entry of
2 judgment on the remaining claims that are being pursued in this matter.

3 DATED: 15 November 2017

DATED: 15 November 2017

4 LAW OFFICES OF ROBERT P. SPRETNAK

LEWIS ROCA ROTHGERBER CHRISTIE
LLP

5 By: /s/ Robert P. Spretnak
6 Robert P. Spretnak, Esq.

By: /s/ Nicole M. True
Nicole M. True, Esq.

7 Attorney for Plaintiff

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ORDER

IT IS SO ORDERED.



RICHARD F. BOULWARE, II
United States District Judge

DATED this 30th day of November, 2017.