```
1
    Steven M. Chabre, SBN 173271
    The Law Office of Steven M. Chabre
2
    1335 Park Avenue
    Alameda, CA 94501
3
    (510) 749-1440
    (510) 749-0466 (fax)
4
    Attorney for Plaintiff,
5
    JOHN ĞRAHAM
6
    James D. Boughey, SBN 44880
    Beth A. Fruechtenicht, SBN 208847
7
    Rebecca Labat Crosby, SBN 221241
    Wilson, Elser, Moskowitz, Edelman & Dicker LLP
8
    650 California Street, 14th Floor
    San Francisco, CA 94108
    (415) 433-0990
    (415) 434-1370 (fax)
10
    Attorneys for Defendants
11
    THE PŘUDENTIAL INSURANCE COMPANY
    OF AMERICA and TOSCO CORPORATION
12
    LONG TERM DISABILITY PLAN
13
                            UNITED STATES DISTRICT COURT
14
                      FOR THE NORTHERN DISTRICT OF CALIFORNIA
15
16
    JOHN GRAHAM.
                                               Case No.: C 04-3513 JSW
17
                Plaintiff,
                                               STIPULATED DISMISSAL OF ACTION
18
                                               AND [PROPOSED] ORDER
          v.
19
    THE PRUDENTIAL INSURANCE
20
    COMPANY OF AMERICA, TOSCO
    CORPORATION LONG TERM
21
    DISABILITY PLAN, and
    CONOCOPHILLIPS COMPANY,
22
23
                Defendants.
24
25
          Plaintiff JOHN GRAHAM ("Plaintiff"), and defendants The Prudential Insurance
26
    Company of America ("Prudential") and the TOSCO CORPORATION LONG TERM
27
    DISABILITY PLAN ("the Plan"), by and through their respective counsel of record, hereby
28
    enter into this stipulation of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1) and
    156476.1
```

1 Civil L.R. 7-11: 2 WHEREAS, Plaintiff and Prudential have conducted settlement negotiations and have 3 reached a full and final settlement of Plaintiff's claims against Prudential and the Plan; 4 WHEREAS, pursuant to this settlement and in consideration for the dismissal of this 5 action as to Prudential and the Plan, Prudential has agreed to pay and has paid to Plaintiff the 6 sum of \$100,000.00 (One Hundred Thousand Dollars and No Cents). 7 NOW THEREFORE, the Parties jointly stipulate as follows: 8 Action No. C 04-3513 JSW shall hereby be dismissed with prejudice as to 1. 9 Prudential and the Plan; and 10 2. Plaintiff and Prudential hereby waive and release any contractual, statutory or 11 other right to recover costs or attorney fees from the other relating to the above-titled action. 12 SO STIPULATED AND AGREED: 13 DATED: June 6, 2005 BY:____ 14 Steven M. Chabre 15 Attorney for Plaintiff 16 BY: DATED: June 6, 2005 17 James D. Boughey 18 Beth A. Fruechtenicht Rebecca Labat Crosby 19 Attorney for Defendants The Prudential 20 Insurance Company of America and Tosco Corporation Long-Term Disability Plan 21 COURT ORDER 22 PURSUANT TO STIPULATON, IT IS SO ORDERED. 23 24 Dated: 25 UNITED STATES DISTRICT COURT JUDGE 26 27 28

156476.1