

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 1. Action No. C 04-3513 JSW shall hereby be dismissed with prejudice as to
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: _____/s/

14 Steven M. Chabre
15 Attorney for Plaintiff

16 DATED: June 6, 2005 BY: _____/s/

17 James D. Boughey
18 Beth A. Fruechtenicht
19 Rebecca Labat Crosby
20 Attorney for Defendants The Prudential
21 Insurance Company of America and Tosco
22 Corporation Long-Term Disability Plan

23 **COURT ORDER**

24 PURSUANT TO STIPULATON, IT IS SO ORDERED.

25 Dated: _____

26 UNITED STATES DISTRICT COURT JUDGE