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11 COMPANY, METLIFE ENTERPRISE GENERAL
12 INSURANCE AGENCY, INC., METLIFE
13 SECURITIES, INC. and NAM PATEL

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16 LOAY S. NASER,

17 Plaintiff,

18 vs.

19 METROPOLITAN LIFE INSURANCE
20 COMPANY, METLIFE ENTERPRISE
21 GENERAL INSURANCE AGENCY, INC.
22 METLIFE SECURITIES, INC., NAM
23 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

**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**

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

WHEREAS:

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

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

NOW, THEREFORE:

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

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

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

September 8, 2011

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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
 United States District Judge

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