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Attorney for Plaintiffs

UNITED STATE DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

**ASSOCIATED INDUSTRIES  
MANAGEMENT SERVICES**, in its fiduciary  
capacity as administrator for an association or  
member-governed group plans; **THE  
ASSOCIATION OR MEMBER GROUP-  
GOVERNED PLANS**; and **JAMES  
DeWALT**, in his capacity as a participant in  
one of the above-referenced plans,

Plaintiffs,

v.

**MODA HEALTH PLAN, INC., dba MODA  
HEALTH INSURANCE**, an Oregon  
Corporation,

Defendant.

Case No. 3:14-cv-01711-AA

**STIPULATION OF VOLUNTARY  
DISMISSAL PURSUANT TO FRCP  
41(a)(1)(A)(ii)**

Plaintiffs entered into a Settlement Agreement with the Washington State Office of the Insurance Commissioner, dated September 28, 2015. Such Settlement Agreement addresses the question at issue in this action, the ERISA Section 3(5) status of the industry group sponsors of the Association or Member Group-Governed Plans, and renders this action moot. Therefore, the

parties agree to the dismissal of this action without prejudice, each party to bear its own attorneys' fees and costs.

DATED this 29th day of September, 2015.

**IT IS SO STIPULATED:**

**DAVIS WRIGHT TREMAINE LLP**

By /s/ Richard J. Birmingham  
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