

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**CARL W. BIVENS,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO. 3:05cv38**

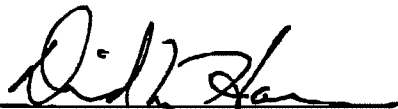
**UNUMPROVIDENT CORPORATION,  
a foreign corporation, and PROVIDENT  
LIFE AND ACCIDENT INSURANCE  
COMPANY, a foreign corporation,**

**Defendants.**

**AGREED DISMISSAL ORDER**

Plaintiff Carl W. Bivens, by his Conservator, Kenneth Bivens and by his legal counsel David M. Hammer, Esq. and Harry P. Waddell, Esq., and defendants UNUMProvident Corporation and Provident Life and Accident Insurance Company, by their legal counsel, Sara E. Hauptfuehrer, Esq., submit this agreed order of dismissal of this action with prejudice. Defendants have agreed to reinstate plaintiff to disability benefits under the Gove U.S. L.L.C. Long-Term Disability Plan effective August 28, 2003 and are paying the monthly benefit amount due under the Plan and the plaintiff acknowledges receipt of the March and April 2007 monthly benefit payments. Defendants further agreed and did pay all back benefits with interest due to the plaintiff. The parties also reached an agreement with respect to the plaintiff's attorney's fees and costs which the defendants have paid. Accordingly, the Court ORDERS that this action be dismissed with prejudice and placed amongst causes ended.

Dated this 27<sup>th</sup> day of April, 2007.



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