

No. 18-1118

**UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

DANIEL J. HARSHBARGER; EDITH M. HARSHBARGER,
Individually and on Behalf of All Persons Similarly Situated,

Plaintiffs-Appellees,

v.

THE PENN MUTUAL LIFE INSURANCE COMPANY,

Defendant-Appellee,

JEFF M. BROWN

Appellant,

On Appeal from the United States District Court
for the District of Pennsylvania
No. 12-cv-06172-NIQA

**STIPULATION TO DISMISS APPEAL
PURSUANT TO RULE 42(b)**

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Pursuant to Rule 42(b), *Federal Rules of Appellate Procedure*, Objector-Appellant Jeff M. Brown and Plaintiffs-Appellees Daniel J. and Edith M. Harshbarger hereby agree and stipulate to dismiss the above-captioned appeal, with prejudice, and with all parties to bear their own costs and attorneys' fees. No costs or fees to the Court are unpaid in this appeal.

Dated: January 29, 2018.

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Objector-Appellant (pro per)

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CERTIFICATION OF BAR MEMBERSHIP

Pursuant to Third Circuit Local Appellate Rule 46.1(e), I hereby certify that
I am a member of the bar of this Court.

Dated: January 29, 2018.

s/ Andrew S. Friedman

Andrew S. Friedman

CERTIFICATE OF COMPLIANCE

1. This document complies with the type-volume limit of Fed. R. App. P. 27(d)(2)(A), because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 56 words.

2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5)(A) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in Times New Roman 14 point.

3. Pursuant to Third Circuit Local Appellate Rule 31.1(c), I hereby certify that a virus detection program was performed on this electronic motion using ESET Endpoint Antivirus version 6.6.2072.2, and that no virus was detected.

Dated: January 29, 2018.

s/ Andrew S. Friedman
Attorney for Plaintiff-Appellee

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2018, I electronically filed the foregoing document with the United States Court of Appeals for the Third Circuit by using the CM/ECF system. I certify that the following parties or their counsel of record are registered as ECF Filers and that they will be served by the CM/ECF system: Jay H. Calvert, Jr.; Joseph N. Kravec, Jr.; Joseph B.G. Fay; Joseph P. Lavell, Jr.

I hereby certify that on January 29, 2018, I sent a copy of the foregoing document via electronic mail and U.S. Mail to the Appellant Jeff M. Brown at:

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Dated: January 29, 2018.

s/Andrew S. Friedman

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