

MAY 20 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HUGO SLUIMER,

Plaintiff - Appellee,

v.

VERITY, INC., a corporation; THE
VERITY INC. CHANGE IN CONTROL
AND SEVERANCE BENEFIT PLAN,

Defendants - Appellants.

No. 09-15128

D.C. No. 3:08-cv-01220-SI

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Susan Illston, District Judge, Presiding

Argued and Submitted May 12, 2010
San Francisco, California

Before: HUG, RYMER and McKEOWN, Circuit Judges.

We have affirmed the district court's grant of summary judgment to Hugo Sluimer in a separate published order. *Sluimer v. Verity*, No. 09-15128, slip. op. (9th Cir. May 13, 2010). Verity raises the additional argument on appeal that the

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

district court “exceeded its powers by re-writing” Verity’s release “to accommodate Sluimer’s lawsuits.” We disagree. The district court simply required Verity to make its standard release consistent with the district court’s award of attorney’s fees, 29 U.S.C. § 1132(g)(1), and its proper interpretation of the Plan and Sluimer’s individually negotiated Participation Notice.

AFFIRMED.