

1 SHELDON J. WARREN, No. 096668  
2 **LAW OFFICES OF SHELDON J. WARREN,**  
3 a Professional Law Corporation  
4 P. O. Box 30220  
5 Long Beach, California 90853  
6 Telephone: 562.433.9688  
7 Facsimile: 562.433.9711  
8 Attorneys for Defendant  
9 **INTERMATIC INCORPORATED**

**FILED**

APR 18 2007

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY [Signature]  
DEPUTY CLERK

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11 UNITED STATES DISTRICT COURT  
12 EASTERN DISTRICT OF CALIFORNIA

13 **NATIONWIDE MUTUAL**  
14 **INSURANCE COMPANY,**

15 Plaintiff,

16 v.

17 **INTERMATIC, INC., ENERGY**  
18 **HOUSE, and DOES 1 through 25,**

19 **Defendants**

**NO. 06-CV-01127-LJO-DLB**  
[Action Filed 07/17/2006]

[DENNIS L. BECK, U.S. MAGISTRATE  
JUDGE]

**STIPULATION OF DISMISSAL AND**  
[PROPOSED] ORDER

**TRIAL DATE: OCTOBER 22, 2007**

20  
21 **IT IS HEREBY STIPULATED** by and between INTERMATIC  
22 **INCORPORATED and COMBS DEVELOPMENT, INC., dba ENERGY HOUSE**  
23 **that the cross-complaint of COMBS DEVELOPMENT, INC., dba ENERGY**  
24 **HOUSE be and hereby is dismissed without prejudice pursuant to FRCP 41(a)(1),**  
25 **each side to bear its own fees and costs.**

Nationwide Mutual Insurance Company v. Intermatic Incorporated

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Dated: March 22, 2007

**LAW OFFICES OF SHELDON J. WARREN**

By                         /s/                          
SHELDON J. WARREN  
Attorneys for Defendant and Cross-Defendant  
INTERMATIC INCORPORATED

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Dated: March 22, 2007

**VITALE & BURNS**

By                         /s/                          
STEVEN C. CLARK  
Attorneys for Defendant and Cross-Complainant  
COMBS DEVELOPMENT, INC, dba ENERGY  
HOUSE

**ORDER**

GOOD CAUSE APPEARING, it is so ordered.

DATED: April 17, 2007   
THE HONORABLE LAWRENCE J. O'NEILL  
U.S. DISTRICT JUDGE