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CENTEX HOMES  
7

**FILED**  
APR 20 2010  
CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY   
DEPUTY CLERK

8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION  
10

11 CENTEX HOMES,  
12 Plaintiff,  
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14 vs.

15 FINANCIAL PACIFIC INSURANCE  
COMPANY, AMERICAN STATES  
INSURANCE COMPANY, SAFECO  
16 INSURANCE COMPANY and CARR  
BUSINESS ENTERPRISES, INC.,  
17

18 Defendants.  
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Case No. 1:07-CV-00567-AWI-SWS

**STIPULATION AND ~~PROPOSED~~ ORDER  
OF DISMISSAL OF CLAIMS AND  
COUNTERCLAIMS WITH PREJUDICE**

Centex Homes v. Financial Pacific Insurance Company et al

Doc. 107

1 Plaintiff Centex Homes (“Centex”), Defendant Carr Business Enterprises (“Carr”), Defendant,  
2 Cross-Defendant and Counter-Claimant Financial Pacific Insurance Company (“FPIC”), and Counter-  
3 Defendant and Cross-Complainant American States Insurance Company (“ASIC”) (collectively the  
4 “Parties”) have settled this action and have agreed to dismiss the claims, counter-claims and cross-  
5 claims in this action, pursuant to their Settlement Agreement and Release effective as of March 12,  
6 2010 (the “Settlement Agreement”), and hereby submit this Stipulation of Dismissal.

7 Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Centex, Carr, FPIC  
8 and ASIC hereby stipulate to dismiss with prejudice all claims, counter-claims, and cross-claims in this  
9 action, consistent with and subject to the terms of the Settlement Agreement, the Parties to bear their  
10 own respective attorney’s fees and costs herein.

11 IT IS SO STIPULATED.

12 DATED: April 19, 2010

HOWREY LLP

13 By /s/ Aaron Gruber  
14 AARON R. GRUBER  
15 Attorneys for Plaintiff CENTEX HOMES

16 DATED: April 19, 2010

FOTOUHI EPPS HILLGER GILROY LLP

17 By /s/ Mark Divelbiss  
18 MARK DIVELBISS  
19 Attorneys for Defendant, Cross-Defendant and Counter-  
Claimant FINANCIAL PACIFIC INSURANCE COMPANY

20 DATED: April 19, 2010

ARCHER NORRIS LLP

21 By /s/ Sean White  
22 SEAN WHITE  
23 Attorneys for Defendant, Cross-Defendant and Counter-  
Claimant FINANCIAL PACIFIC INSURANCE COMPANY

24 DATED: April 19, 2010

ANWYL SCOFFIELD & STEPP, LLP

25 By /s/ Lindy Scoffield  
26 LINDY SCOFFIELD  
27 Attorneys for Defendant CARR BUSINESS ENTERPRISES,  
28 INC.

1 DATED: April 19, 2010

SINNOTT, PUEBLA, CAMPAGNE & CURET, APLC

2 By  /s/ Stephen Wong

3 STEPHEN WONG

4 Attorneys for Counter-Defendant and Cross-  
Complainant AMERICAN STATES INSURANCE  
5 COMPANY

6 **RULE 7-131(e) CERTIFICATION**

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8 I, Aaron R. Gruber, hereby attest, pursuant to this Court's Rule 7-131(e), that each of the other  
9 counsel identified above have authorized the submission of this Stipulation and [Proposed] Order on  
10 that counsel's behalf.

11 Executed this 19th day of April 2010, at San Francisco, California.

12  /s/ Aaron R. Gruber

13 Aaron R. Gruber

14 Attorney for Plaintiff CENTEX HOMES

15 **ORDER ON STIPULATION**

16  
17 The Parties having so stipulated, and good cause appearing, the dismissals set forth above are  
18 **SO ORDERED.**

19 Dated: April 20, 2010

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21 \_\_\_\_\_  
22 Judge of the United States District Court