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EASTERN DISTRICT OF CALIFORNIA
BY  DEPUTY CLERK

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

11 CENTEX HOMES,

12 Plaintiff,

13 vs.

14 FINANCIAL PACIFIC INSURANCE
15 COMPANY, NICKY RODRIGUEZ CEMENT
16 and NICKY RODRIGUEZ ,

17 Defendants.

Case No. 1:07-CV-00568-AWI-SWS

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

1 Plaintiff Centex Homes ("Centex"), Defendant Nicky Rodriguez Cement ("NRC"), Defendant
2 Nicky Rodriguez ("Rodriguez"), Defendant and Counter-Claimant Financial Pacific Insurance
3 Company ("FPIC"), and Counter-Defendant Assurance Company of America ("ACOA") (collectively
4 the "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, NRC,
8 Rodriguez, FPIC and ACOA hereby stipulate to dismiss with prejudice all claims, counter-claims, and
9 cross-claims in this action, consistent with and subject to the terms of the Settlement Agreement, the
10 Parties to bear their own respective attorney's fees and costs herein.

11 IT IS SO STIPULATED.

12 DATED: April 16, 2010

HOWREY LLP

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

16 DATED: April 16, 2010

FOTOUHI EPPS HILLGER GILROY LLP

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

21 DATED: April 16, 2010

ARCHER NORRIS LLP

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

26 DATED: April 16, 2010

ANWYL SCOFFIELD & STEPP, LLP

27 By /s/ Lindy Scoffield
28 LINDY SCOFFIELD
Attorneys for Defendants NICKY RODRIGUEZ CEMENT
and NICKY RODRIGUEZ

1 DATED: April 16, 2010

SINNOTT, PUEBLA, CAMPAGNE & CURET, APLC

2 By /s/ Stephen Wong

3 STEPHEN WONG

4 Attorneys for Counter-Defendant ASSURANCE
COMPANY OF AMERICA

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

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

10 Executed this 16th day of April 2010, at San Francisco, California.

11
12 /s/ Aaron R. Gruber

Aaron R. Gruber

13 Attorney for Plaintiff CENTEX HOMES

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15 **ORDER ON STIPULATION**

16 The Parties having so stipulated, and good cause appearing, the dismissals set forth above are
17 **SO ORDERED.** The Clerk of the Court shall CLOSE THE CASE.

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21 Dated: April 20, 2010



Judge of the United States District Court