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FILED  
APR 27 2010  
CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
DEPT. CIVIL  
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DEPT. CIVIL  
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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

CENTEX HOMES,  
Plaintiff,  
vs.  
FINANCIAL PACIFIC INSURANCE  
COMPANY, AC CONCRETE and STEVEN  
MICHAEL PARSONS,  
Defendants.

Case No. 1:07-CV-00570-AWI-SWS

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

1 Plaintiff Centex Homes ("Centex") and Defendant Financial Pacific Insurance Company  
2 ("FPIC") have settled this action and have agreed to dismiss the claims in this action, pursuant to their  
3 Settlement Agreement and Release effective as of March 12, 2010 (the "Settlement Agreement"), and  
4 hereby submit this Stipulation of Dismissal.

5 Steven Michael Parsons and Steven Michael Parsons dba AC Concrete ("PARSONS") and  
6 Centex Homes or its predecessors in interest or affiliates ("CENTEX"), entered into construction  
7 agreements under which PARSONS provided labor, materials and services in connection with the  
8 construction of homes on behalf of CENTEX. During the pendency of this action, undersigned  
9 counsel for PARSONS learned that PARSONS was deceased and filed a Notice Re Suggestion Of  
10 Death of Steven Michael Parsons. Counsel for PARSONS, despite diligent inquiry, has been unable to  
11 locate any heir of PARSONS nor any probate or other estate proceeding. Consequently, Centex and  
12 FPIC settled this action and have agreed to dismiss the claims in this action, pursuant to the Settlement  
13 Agreement, without PARSONS or heirs or successors being a party to the Settlement Agreement.

14 Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Centex and FPIC  
15 hereby stipulate to dismiss with prejudice all claims in this action, consistent with and subject to the  
16 terms of the Settlement Agreement, and all of the parties herein stipulate to bear their own respective  
17 attorney's fees and costs herein.

18 IT IS SO STIPULATED.

19  
20 DATED: April 19, 2010 HOWREY LLP

21 By /s/ Aaron Gruber  
22 AARON R. GRUBER  
23 Attorneys for Plaintiff CENTEX HOMES

24 DATED: April 19, 2010 FOTOUHI EPPS HILLGER GILROY LLP

25 By /s/ Mark Divelbiss  
26 MARK DIVELBISS  
27 Attorneys for Defendant FINANCIAL PACIFIC  
28 INSURANCE COMPANY

1 DATED: April 19, 2010

ARCHER NORRIS LLP

2 By /s/ Sean White

3 SEAN WHITE

4 Attorneys for Defendant FINANCIAL PACIFIC  
INSURANCE COMPANY

5 DATED: April 19, 2010

ANWYL SCOFFIELD & STEPP, LLP

6 By /s/ Lindy Scoffield

7 LINDY SCOFFIELD

8 Former attorneys for Steven Michael Parsons (deceased) dba  
9 AC Concrete, for the purpose of confirming that a Notice of  
Suggestion of Death was served, and that Parsons's insurer  
10 FPIC has settled the case on behalf of Parsons.

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

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

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

16 /s/ Aaron R. Gruber

17 Aaron R. Gruber

18 Attorney for Plaintiff CENTEX HOMES

19 **ORDER ON STIPULATION**

20 The parties having so stipulated, and good cause appearing, the dismissals set forth above are  
21  
22 **SO ORDERED.** The Clerk of the Court shall CLOSE THE CASE.

23 Dated: April 20, 2010

24   
25 Judge of the United States District Court