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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

EVEREST NATIONAL INSURANCE  
COMPANY,

CASE NO. CV F 08-1695 LJO GSA

Plaintiff,

**ORDER TO DISMISS AND CLOSE  
ACTION**

vs.

VALLEY FLOORING SPECIALTIES,  
Defendant.

VALLEY FLOORING SPECIALTIES,  
Counterclaimant,

vs.

EVEREST NATIONAL INSURANCE  
COMPANY,  
Counterdefendant.

This Court GRANTS the parties' stipulation to dismiss with prejudice the entire action, including the complaint and counter-complaint, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) (Doc. 27), VACATES all pending dates, and DIRECTS the clerk of court to close this action.

IT IS SO ORDERED.

**Dated: December 24, 2009**

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE