

1 **GRIMM, VRANJES, MCCORMICK & GRAHAM LLP**

A. Carl Yaeckel (SBN 89920)

2 cyaeckel@gvmglaw.com

Charles A. Phillips (SBN 120697)

3 cphillips@gvmglaw.com

550 West C Street, Suite 1100

4 Post Office Box 129012

San Diego, California 92112-9012

5 Telephone: (619) 231-8802

Fax: (619) 233-6039

6

7 Attorneys for Defendant NORTH AMERICAN CAPACITY INSURANCE
8 COMPANY

8

9 **UNITED STATES DISTRICT COURT**

10 **EASTERN DISTRICT OF CALIFORNIA**

11 BINGLEY LAND COMPANY,
12 INC., a California corporation;

Plaintiff,

13

vs.

14

15 NORTH AMERICAN
CAPACITY INSURANCE
16 COMPANY, a New Hampshire
corporation, and Does 1 through
40,

Defendants.

18

CASE NO: [1:09-cv-00148-LJO-SMS](#)

**STIPULATION OF DISMISSAL AND
ORDER**

Magistrate Assigned: Sandra M. Snyder
Department: 7
Complaint Filed: 12/08/08
Removed to Federal Court: 01/20/09

19

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

1 IT IS HEREBY STIPULATED by and between the Parties to this action
2 through their designated counsel that the above-captioned matter be, and hereby is,
3 dismissed, with prejudice, pursuant to F.R.C.P. Rule 41 (a) (1). Each party to bear
4 its own costs, including attorney's fees.

5
6 Dated: January 14, 2010

GRIMM VRANJES
McCORMICK & GRAHAM, LLP

7
8 By: /s/ *A. Carl Yaeckel*
9 A. Carl Yaeckel
10 Attorneys for Defendant NORTH
11 AMERICAN CAPACITY INSURANCE
12 COMPANY

13 Dated: January 14, 2010

McCARTNEY & ASSOCIATES

14
15 By: /s/ *Thomas McCartney*
16 Thomas McCartney
17 Attorneys for Plaintiff BINGLEY LAND
18 COMPANY, INC.

19 The clerk of court is directed to CLOSE this action.

20
21 IT IS SO ORDERED.

22 Dated: January 14, 2010 /s/ **Lawrence J. O'Neill**
23 UNITED STATES DISTRICT JUDGE