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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

GENERAL FIDELITY INSURANCE
COMPANY, a South Carolina
Corporation,

Plaintiff,

v.

QUANTA INDEMNITY COMPANY, a
Colorado corporation, as successor by
merger with QUANTA SPECIALTY
LINES INSURANCE COMPANY;
BELLA VISTA ESTATES, a California
Limited Partnership; LAUREL TREE
HOMES, INC., a California corporation;
DAVID DYCK, an individual;
LAMBETH CONSTRUCTION OF
CALIFORNIA, INC., a suspended
California corporation; LAMBETH
CONSTRUCTION, INC., a suspended
California corporation; LAMBETH
CONSTRUCTION INCORPORATED, a
suspended Nevada corporation;
LAMBETH CONSTRUCTION, LLC, an
Arkansas limited liability company;
RENE DIAZ and MONICA DIAZ,
individuals; NORMA AGUILAR and
JESSE AGUILAR, individuals; TONY
ADAYAN, JR., an individual; HECTOR
CERDA and SANDRA CERDA,
individuals; MARISA CERROBLANCO,
an individual; ABEL DELGADO and
MARIA DELGADO, individuals;
BEATRIZ FLORES and MANUEL
GARCIA, individuals; JOSE GOMEZ
SOLIS. an individual: JOSE GUILLEN

Case No. 1:14-CV-01325 JAM
[Assigned To The Hon. John A. Mendez]

^{JAM}
~~PROPOSED~~ ORDER RE
DISMISSAL OF DAVID DYCK
WITHOUT PREJUDICE PURSUANT
TO STIPULATION

1 and NORMA GUILLEN, individuals;
2 RAFAEL IGNACIO and BERTHA
3 ALICIA REYES, individuals; LANDY
4 OROZCO and JOSE LEDESMA,
5 individuals; ALEJANDRO MAGANA
6 and ESMIRNA ESTRADA, individuals;
7 GREGORIA MORALES, an individual;
8 FERNANDO ORTIZ and PATRICIA
9 ORTIZ, individuals; JUAN PULIDO and
10 MARIA PULIDO, individuals;
11 SEVERINO RODRIGUEZ and LEE
12 ANN RODRIGUEZ, individuals;
13 RICHARD REYES, JR. and SAMUEL
14 ROBLES, individuals; JORGE
15 SALINAS, an individual; ISMAEL
16 SPINDOLA, FRANCES SPINDOLA and
17 CRYSTAL SPINDOLA, individuals;
18 JOSEPH TORRES, an individual;
19 BRENDA VARGAS, an individual;
20 RICARDO ZARAGOZA and MARIA
21 ZARAGOZA, individuals; JOSE LUIS
22 ZEPEDA, an individual; ILLIANA
23 MARTINEZ, an individual; RUBEN
24 BETANCOURT and ROSA
25 BETANCOURT, individuals; MANUEL
26 ALVAREZ, BERTHA ALVAREZ and
27 SERGIO ALVAREZ, individuals; JOSE
28 DANIEL AVALOS, an individual;
RAMON BARRAGAN and AMPARO
BARRAGAN, individuals; DAVID
BELTRAN and ALMA BELTRAN,
individuals; DEMETRIA CARDENAS
and OSBALDO CARDENAS,
individuals; JAVIER CAVAZOS, an
individual; JUAN JOSE CHAVEZ, an
individual; ARTURO CISNEROS, an
individual; JOSE CORTEZ and
MARICELA CORTEZ, individuals;
CARLOS CUEVAS and JERONIMA
CUEVAS, individuals; NORBERTO
DIAZ, JR. and LORENA DIAZ,
individuals; SALVADOR GALLARDO,
an individual; EDWARD GALLEGOS
and VERONICA GALLEGOS;
individuals; IVAN SERGIO GARIBAY
and ESPERANZA GARIBAY;
individuals; NELSON GARIBAY and
LUCILA GARCIA, individuals; SERGIO
GARIBAY and YOLANDA GARIBAY,
individuals; WALLY GONZALES and
ELENA GONZALES, individuals; JUAN
GONZALEZ and GINA GONZALEZ,
individuals; JULIAN GUTIERREZ and
MARIA GUTIERREZ, individuals;
SALVADOR HERNANDEZ, an
individual; SANDRA IBARRA. an

1 individual; CARLOS IGLESIAS and
2 MONICA IGLESIAS, individuals;
3 MARIA INIGUEZ, an individual;
4 GERARDO LOPEZ and JULIA LOPEZ,
5 individuals; RODOLFO MALDONADO
6 and ROSALBA MALDONADO,
7 individuals; JOSE MERAZ and
8 DOMINGO GONZALEZ, individuals;
9 JIMMY MORENO and MARIA
10 MORENO, individuals; JOVITA
11 MUNOZ and NICOLAS MORALES,
12 individuals; MIGUEL MURILLO and
13 SUSANA GUZMAN, individuals; ISIAS
14 PACHECO and THERESA PENALOZA,
15 individuals; JAVIER PAULINO and
16 MARGARITA PAULINO, individuals;
17 MOISES PEREZ and MONICA PEREZ,
18 individuals; MARIA RAMIREZ, an
19 individual; LETICIA REYNA, an
20 individual; ZEFERINO REYNA, an
21 individual; ROBERT ROBLES and
22 JULIANA ROBLES, individuals; JOSE
23 GUADALUPE ROSILES and PATRICIA
24 BAUTISTA CEJA, individuals; ISRAEL
25 RUBALCAVA, an individual;
26 ARMANDO SANCHEZ and ELEANOR
27 LOPEZ, individuals; ERNESTO
28 SANCHEZ and TERESA SANCHEZ,
individuals; JOSE SANCHEZ, an
individual; JUAN CARLOS SANCHEZ,
an individual; PETER SANCHEZ and
VERONICA MARTINEZ SANCHEZ,
individuals; MARIA SERRANO, an
individual; GURVINDER SINGH and
JAGDEEP KAUR, individuals;
RICARDO BUSTOS TAPIA, an
individual; ANDRES TORRÉS, an
individual; GABRIEL TOVAR and
MARIA ZONIA TOVAR, individuals;
FRANCISCO VARGAS and MARIA
ALVA, individuals; PAULINO
VAZQUEZ and ROBERTO VARGAS,
individuals; LORIANE ZAMORA and
ROBERT JUAREZ, individuals;
NORMA ZUNIGA, an individual; LUIS
MUNOZ ALANIS and MARIA
CONSUELA MUNOZ, individuals;
PABLO CASTRO, an individual;
GUSTAVO ESPINOZA, an individual;
MARIO GARCIA and SALLY GARCIA,
individuals; THOMAS F. GHEEN and
JULA A. GHEEN, individuals; OSCAR
INIGUEZ and MARSHY INIGUEZ,
individuals; ROBERT L. LEIJA and
GUADALUPE G. LEIJA, individuals;
HUMBERTO LOZANO and MARYVEL

1 LOZANO, individuals; MARTIN
2 MARES and SULEMA QUINTANILLA-
3 MARES, individuals; STEVEN
4 PADILLA and LENORA E. PADILLA,
5 individuals; DANIEL A. RODRIGUEZ
6 and FRIEDA RODRIGUEZ, individuals;
7 LORENZO SALAZAR, ERNESTINA C.
8 SALAZAR, ADRIAN SALAZAR and
9 MARIA ELENA SALAZAR, individuals;
10 JUAN G. SANTOS and FRIDA
11 SANTOS, individuals; DANIEL TAMEZ,
12 an individual; GABRIEL TAMEZ and
13 DESIREE D. TAMEZ, individuals;
14 JESUS M. VILLAGRANA and
15 ARACELI VILLAGRANA, individuals;
16 and JOSE ZUL, an individual.

17 Defendants.

18 This matter is before the Court on the STIPULATION RE: DISMISSAL OF
19 DAVID DYCK WITHOUT PREJUDICE (hereinafter, “Stipulation”) entered into and
20 executed by Plaintiff GENERAL FIDELITY INSURANCE COMPANY (hereinafter,
21 “GFIC”) and DAVID DYCK (as more fully identified in the Stipulation and below)
22 entered into on April 20, 2016. Said Stipulation was filed in this Action on April 25,
23 2014 [Document 134].

24 DYCK is a Defendant named in GFIC’s First Amended Complaint for
25 Declaratory Relief, which was filed in this Action on October 17, 2014 [Docket
26 Number 17], and a Defendant in the underlying Diaz construction defect action.

27 Pursuant to the terms of the Stipulation, and for good cause shown,

28 **IT IS HEREBY ORDERED** that Defendant DAVID DYCK is dismissed as a
Defendant in this Action, without prejudice, subject to the right of Plaintiff GFIC to
re-file or renew its claims against DAVID DYCK which are the subject of this Action
(hereinafter, the “DISMISSED DEFENDANT”).

IT IS FURTHER ORDERED that Defendant DAVID DYCK shall be bound
by all orders, findings, conclusions, determinations, decrees, stipulations, judgments,
settlements and/or agreements made or entered into between the parties to this Action

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1 the same manner and to the same extent as if the Defendant DAVID DYCK had been
2 a party to this Action and/or party to any settlement agreement.

3 **IT IS FURTHER ORDERED** that Plaintiff GFIC and the Defendant DAVID
4 DYCK shall bear their own costs and attorneys' fees in connection with the dismissal
5 without prejudice.

6 **IT IS FURTHER ORDERED** that all statute of limitations, statutes regarding
7 prosecution of claims or time within which a trial must be held or judgment must be
8 entered, and all defenses based upon delay and prosecution (collectively "Statute of
9 Limitations") with respect to the claims of Plaintiff GFIC against the Defendant
10 DAVID DYCK provided for by law, equity or judicial decision shall be tolled as
11 provided herein. In the event that Plaintiff re-files or renews any claims in connection
12 with this Action in the future against Defendant DAVID DYCK, the period from
13 August 25, 2014, up to and including the date of re-filing or renewal of such an action,
14 shall not be included for purposes of computing the applicable time periods for Statute
15 of Limitations, and shall not in any way serve to extend any Statutes of Limitations
16 that had already run as of and including August 25, 2014.

17 This **ORDER** does not pertain to any parties in this Action, other than Plaintiff
18 GFIC and Defendant DAVID DYCK, all of which remain parties to this Action, with
19 the exception of Defendant DAVID DYCK.

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21 DATED: April 26, 2016

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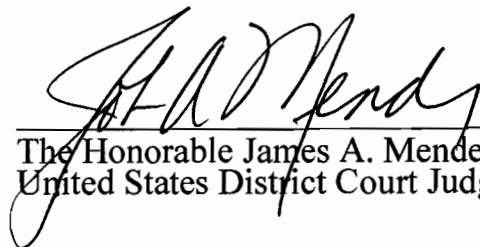
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The Honorable James A. Mendez
United States District Court Judge