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8 Attorney for Use-Plaintiff
 9 THYSSENKRUPP ELEVATOR CORPORATION

10 UNITED STATES DISTRICT COURT
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA, for the use) Case No: 1:15-cv-00494-BAM
 13 and benefit of:)

14 THYSSENKRUPP ELEVATOR)
 15 CORPORATION, a Delaware corporation,)
 16 Plaintiff,)

17 **STIPULATION OF DISMISSAL AND**
 18 **[PROPOSED] ORDER**
 19 **CTRM: #8 (6th Floor)**
 20 **BARBARA A. McAULIFFE**
 21 **U.S. MAGISTRATE JUDGE**

22 vs.)

23 TRAVELERS CASUALTY AND SURETY)
 24 COMPANY OF AMERICA, a Connecticut)
 25 corporation; K.O.O. CONSTRUCTION, INC.,)
 26 a California corporation; and DOES 1 through)
 27 50, inclusive,)

28 Defendants.)

29 K.O.O. CONSTRUCTION, INC., a California)
 30 corporation,)

31 Counter-claimant,)

32 vs.)

33 THYSSENKRUPP ELEVATOR)
 34 CORPORATION, a Delaware corporation,)

35 Counter-defendant.)

36)
 37)
 38)

1 WHEREAS, Use-Plaintiff THYSSENKRUPP ELEVATOR CORPORATION (“Use-Plaintiff”)
2 filed its Complaint for Miller Act Claim (40 USC §3133); Breach of Contract; Unjust Enrichment;
3 and Quantum Meruit on March 31, 2015;

4 WHEREAS, Use-Plaintiff and Defendants TRAVELERS CASUALTY AND SURETY
5 COMPANY OF AMERICA and K.O.O. CONSRUCTION, INC. (“Defendants”) settled this matter
6 on or about July 6, 2016;

7 THEREFORE, IT IS HEREBY STIPULATED by and between Use-Plaintiff and Defendants,
8 through their designated counsel, that the above-captioned action should be dismissed with
9 prejudice. The parties further stipulate that, except as set for in the July 6, 2016 Settlement
10 Agreement between them, the parties stipulate to bear their own attorney’s fees, expenses, and
11 costs.

12 IT IS SO STIPULATED.

13 Dated: July 18, 2016

14 By: /s/ William C. Hernquist II
15 William C. Hernquist II, A.P.C.
16 Attorney for Use-Plaintiff and Counter-
17 Defendant
18 THYSSENKRUPP ELEVATOR
19 CORPORATION

19 By: /s/ Patricia A. Meagher
20 Patricia A. Meagher
21 Attorney for Defendant and Counter-claimant
22 K.O.O. CONSTRUCTION, INC.

23 By: /s/ Andrew G. Guess
24 Andrew G. Guess
25 Attorney for Defendant
26 TRAVELERS CASUALTY AND SURETY
27 COMPANY OF AMERICA
28

ORDER

The Court having considered the stipulation of the parties, and good cause appearing therefor, orders as follows:

1. The entire action is dismissed with prejudice.
2. Each party shall bear its own costs and attorney's fees.
3. The Clerk of the Court is instructed to close this case.

IT IS SO ORDERED.

Dated: July 18, 2016

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE