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9 Attorneys for Plaintiffs, Counterdefendants
and Third-Party Defendant
10 Dale M. Wallis, James L. Wallis,
Hygieia Biological Laboratories
11 and Joanna R. Mendoza

12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA

14
15 DALE M. WALLIS, D.V.M., JAMES L.) CASE NO. 2:08-CV-02558 WBS AC
WALLIS, and HYGIEIA BIOLOGICAL)
16 LABORATORIES, INC., a California) Assigned to: Honorable William B. Shubb,
Corporation,) Courtroom 5, 14th Floor
17 Plaintiffs,)
18 v.) Magistrate Judge Allison Claire,
19) Courtroom 26, 8th Floor

20 CENTENNIAL INSURANCE COMPANY,)
INC., a New York corporation, ATLANTIC)
21 MUTUAL INSURANCE, CO., INC., a)
New York corporation,)
22 Defendants.)
23)

24 AND RELATED COUNTERCLAIM) COMPLAINT FILED: 4/6/09
25)
26)
27)
28)

1 The parties to his action, by and through their respective counsel, by
2 stipulation, request the Court for an Order canceling, releasing, and discharging
3 the Supersedeas Bond that Plaintiffs and Counterdefendants Dale M. Wallis,
4 D.V.M., James L. Wallis, and Hygieia Biological Laboratories, Inc.
5 (“Counterdefendants”) posted in connection with their appeal of this matter to
6 the Ninth Circuit Court of Appeals.

7 In support of this request, the parties state as follows:

- 8 1. Judgment in this action was filed on November 12, 2013 (Doc. No. 269)
9 and amended on February 20, 2014 (Doc. No. 277).
- 10 2. Counterdefendants appealed the judgment on March 21, 2014 (Doc. No.
11 288). On December 30, 2015, Counterdefendants lodged a Supersedeas
12 Bond, International Fidelity Insurance Company as Surety, Bond No.
13 0684640, in the amount of \$108,747.00 (Doc. No. 332). This Court, on
14 February 17, 2016, approved the bond (Doc. No. 336).
- 15 3. On March 21, 2016, the Ninth Circuit Court of Appeals issued its
16 Memorandum decision and affirmed the Judgment (Doc. No. 339), and
17 on April 4, 2016, issued its Mandate (Doc. No. 340).
- 18 4. On April 20, 2016, Counterdefendants satisfied the Judgment in full by
19 tender of a check in the amount of \$92,054.82 to Counterclaimants’
20 counsel.
- 21 5. The parties request that the Court enter the proposed order, set forth
22 below, ordering that the Supersedeas Bond is no longer required and is
23 hereby fully and unconditionally discharged released, and exonerated
24 and that the Surety is hereby released from any and all past, present,
25 and future liability in connection with the issuance of the Supersedeas
26 Bond, and directing the Clerk to return the canceled Supersedeas Bond
27 to counsel for Counterdefendants.

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SELVIN WRAITH HALMAN LLP

Dated: April 11, 2016

By: /s/_____
Gary R. Selvin
Robin D. Korte
Attorneys for Defendants/Counterclaimants
Centennial Insurance Co. and Atlantic
Mutual Insurance Co. Inc.

LAW OFFICE OF JOEL C. BAIOCCHI

Dated: May 13, 2016


By: /s/_____
Joel C. Baiocchi
Attorney for Plaintiffs/Counterdefendants
Dale M. Wallis, D.V.M., James L. Wallis, and
Hygieia Biological Laboratories, Inc.

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IT IS SO ORDERED.

1. The Supersedeas Bond posted by Counterdefendants is hereby fully and unconditionally discharged released, and exonerated, and that the Surety is hereby released from any and all past, present, and future liability in connection with the issuance of the Supersedeas Bond.
2. The Clerk is directed to the Clerk to return the canceled Supersedeas Bond to counsel for Counterdefendants.

Dated: May 13, 2016



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

