1 2 3 4 5 6 7 8	JOANNA R. MENDOZA, State Bar No. 1483 LAW OFFICES OF JOANNA R. MENDOZA P.O. Box 2593 Granite Bay, CA 95746 (916) 781-7600 (916) 781-7601 FAX jmendoza@theiplawfirm.com JOEL C. BAIOCCHI, State Bar No. 107095 LAW OFFICE OF JOEL C. BAIOCCHI P.O. Box 67 Dutch Flat, CA 95714 (530) 389-9175 (530) 389-9176 jcblaw2@colfaxnet.com	
9	Attorneys for Plaintiffs, Counterdefendants	
10	and Third-Party Defendant Dale M. Wallis, James L. Wallis, Hygieia Biological Laboratories	
11	and Joanna R. Mendoza	
12	UNITED STATES D	ISTRICT COURT
13	EASTERN DISTRICT OF CALIFORNIA	
14		
15	DALE M. WALLIS, D.V.M., JAMES L. ) WALLIS, and HYGIEIA BIOLOGICAL )	CASE NO. 2:08-CV-02558 WBS AC
16	LABORATORIES, INC., a California () Corporation, ()	Assigned to: Honorable William B. Shubb, Courtroom 5, 14th Floor
17	) Plaintiffs,	Magistrate Judge Allison Claire,
18	) V. )	Courtroom 26, 8th Floor
19 20	) CENTENNIAL INSURANCE COMPANY,) INC., a New York corporation, ATLANTIC)	STIPULATION FOR CANCELLATION, RELEASE, AND
20	MUTUAL INSURANCE, CO., INC., a ) New York corporation, )	DISCHARGE OF COUNTERDEFENDANTS'
22	Defendants.	SUPERSEDEAS BOND; <del>PROPOSED</del> ORDER
23	) )	
24	AND RELATED COUNTERCLAIM	COMPLAINT FILED: 4/6/09
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	STIPULATION FOR CANCELLATION, RELEASE, AN SUPERSEDEAS BOND; PI	

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.		
28			
	2 STIPULATION FOR CANCELLATION, RELEASE, AND DISCHARGE OF COUNTERDEFENDANTS'		

1 2 3	1 Dated: April <u>11</u> , 2016 2	N WRAITH HALMAN LLP . Selvin D. Korte
4	4 Robin Attorn Center	D. Korte eys for Defendants/Counterclaimants inial Insurance Co. and Atlantic
5	5 Mutua	I Insurance Co. Inc.
6 7	Dated: May 13, 2016 LAW C	OFFICE OF JOEL C. BAIOCCHI
8	8	
9	By: /s Joel C.	/ Baiocchi
10	0 Attorn Dale M Hygiei	ey for Plaintiffs/Counterdefendants L Wallis, D.V.M., James L. Wallis, and a Biological Laboratories, Inc.
11		a Diological Laboratorics, file.
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	3 STIPULATION FOR CANCELLATION, RELEASE, AND DISCHARGE OF COUNTERDEFENDANTS' SUPERSEDEAS BOND; PROPOSED ORDER	

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		
4		
STIPULATION FOR CANCELLATION, RELEASE, AND DISCHARGE OF COUNTERDEFENDANTS' SUPERSEDEAS BOND; PROPOSED ORDER		

1				
2	PROOF OF SERVICE			
3	I declare that I am over the age of 18. I am not a party to this cause. I am			
4	an attorney at law with my office located at 33340 Main Street, Dutch Flat,			
5	California 95714.			
6	On April, 2016, I served the following:			
7	STIPULATION FOR CANCELLATION, RELEASE, AND DISCHARGE OF			
8	COUNTERDEFENDANTS' SUPERSEDEAS BOND; PROPOSED ORDER			
9	<b>BY ELECTRONIC FILE TRANSFER TO ECF FILE AND SERVE:</b>			
10	By transmitting a true copy of the documents listed above for service on all			
11	parties to this action pursuant to applicable statutes, local rules, and/or order of			
12	this Court.			
13	Gary R. Selvin Attorney for Defendants SELVIN WRAITH HALMAN LLP			
14	505 14th Street, Suite 1200			
15	Oakland, CA 94612 Telephone: (510) 874-1811			
16	Facsimile: (510) 465-8976 E-mail: <u>gselvin@selvinwraith.com</u>			
17				
18	I declare under penalty of perjury under the laws of the United			
19	States that the foregoing is true and correct.			
20	Executed thisth day of April, 2016, in Dutch Flat, California.			
21				
22	/s/ Joel C. Baiocchi			
23	JOEL C. BAIOCCHI			
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	5 STIPULATION FOR CANCELLATION, RELEASE, AND DISCHARGE OF COUNTERDEFENDANTS' SUPERSEDEAS BOND; PROPOSED ORDER			