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12 Attorneys for Defendant
 13 American Zurich Insurance Company

15 **UNITED STATES DISTRICT COURT**
 16 **EASTERN DISTRICT OF CALIFORNIA**
 17 **SACRAMENTO DIVISION**

19	BURGETT, INC.,)	Case No. 11-cv-01554-MCE-JFM
)	
20	Plaintiff,)	Hon. Morrison C. England, Jr.
)	
21	vs.)	
)	STIPULATION AND ORDER TO DISMISS
22	AMERICAN ZURICH INSURANCE)	CASE WITH PREJUDICE
	COMPANY,)	
23)	
	Defendant.)	
24)	
)	

1 Plaintiff Burgett, Inc., on the one hand, and Defendant American Zurich Insurance Company,
2 on the other hand, by and through their respective counsel, hereby stipulate and agree pursuant to
3 Fed. R. Civ. P. 41(a)(1)(A)(ii) that, subject to the approval of the Court, this lawsuit shall be
4 dismissed with prejudice. Each side waives any right it may have had to seek further payment or
5 reimbursement of any sums owed or paid pursuant to the insurance policy alleged in the complaint
6 filed in this lawsuit with respect to the underlying lawsuits captioned *Persis International, Inc. et al.*
7 *v. Burgett, Inc.*, United States District Court, N.D. Ill., Eastern Div., Case No. 09-cv-07451 and
8 *Edward F. Richards v. Burgett, Inc., et al.* United States District Court, N. D. Ill., Eastern Div., Case
9 No. 1:10-cv-07580. Each side shall bear its own respective fees and costs incurred in this coverage
10 lawsuit.

11 Dated: December 20, 2012

GAUNTLETT & ASSOCIATES

12
13 By: /s/ David A. Gauntlett
David A. Gauntlett
Andrew M. Sussman

14 Attorneys for Plaintiff Burgett, Inc.

15
16 Dated: December 20, 2012

LEWIS BRISBOIS BISGAARD & SMITH LLP


17 By: /s/ Jordon E. Harriman
18 Lane J. Ashley
Jordon E. Harriman
19 Shannon L. Santos

20 Attorneys for Defendant American Zurich
Insurance Company

21
22 **ORDER**

23 UPON STIPULATION AND AGREEMENT OF THE PARTIES, IT IS SO ORDERED.

24 Dated: January 3, 2013

25 
26 MORRISON C. ENGLAND, JR., CHIEF JUDGE
27 UNITED STATES DISTRICT COURT
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