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 6 CITY OF ROSEVILLE

7
 8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**

10 CITY OF ROSEVILLE,
 11 Plaintiff,
 12 v.

Case No. 2:12 -CV-01758-MCE-JFM

**STIPULATION AND ORDER OF
 DISMISSAL**

13 LEXINGTON INSURANCE CO.,
 14 Defendant.

Complaint Filed: June 29, 2012

15 _____/
 16 **IT IS HEREBY STIPULATED AND AGREED** by and between Plaintiff City of Roseville
 17 and Defendant Lexington Insurance Co., by and through their undersigned counsel, that this action
 18 be dismissed, with prejudice, with each side to bear their own attorneys' fees and costs, pursuant to
 19 Rule 41(a)(1) of the Federal Rules of Civil Procedure, and a Settlement Agreement and Release
 20 executed by the parties.

21 Date: December 6, 2012

Respectfully submitted,

PORTER SCOTT

22 By /s/ Stephen E. Horan
 23 Stephen E. Horan
 Kevin M. Kreutz
 Attorneys for Plaintiff
 CITY OF ROSEVILLE

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Date: December 6, 2012

MCCURDY & FULLER LLP

By /s/ Kevin McCurdy (Authorized on 12/5/12)

Kevin McCurdy
Attorneys for Defendant
LEXINGTON INSURANCE CO.

ORDER

IT IS SO ORDERED.

Dated: December 20, 2012



MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT JUDGE