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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

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11 UNITED STATES OF AMERICA, for
the use and benefit of PINNACLE
12 GRINDING AND GROOVING, LLC,
a Nevada Limited Liability Company,

Case No. 2:17-cv-00898-MCE-CMK

**JOINT STIPULATION AND
ORDER OF DISMISSAL
PURSUANT TO SETTLEMENT**

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Plaintiff

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v.

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16 DIG-IT CONSTRUCTION, INC., a
California Corporation; TRAVELERS
CASUALTY AND SURETY
17 COMPANY OF AMERICA, and DOES
1-10, inclusive

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Defendant.

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20 AND RELATED COUNTERCLAIMS.

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22 Plaintiff PINNACLE GRINDING AND GROOVING, LLC (“Plaintiff” or
23 “Pinnacle”), Defendants DIG IT CONSTRUCTION, INC. (“Dig It”), and
24 TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
25 (“Defendant” or “Travelers”), by and through their respective counsel of record,
26 submit the following Stipulation for Dismissal Pursuant to Settlement Agreement.

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RECITALS

- 1. This action commenced on April 26, 2017, with the filing of Plaintiff’s Complaint (Docket No.1).
- 2. Dig It filed a Counterclaim on August 14, 2017 (Docket No. 8.)
- 3. The Parties subsequently entered into the settlement agreement and have performed the obligations per the terms of the settlement agreement.
- 4. As the Parties obligations under the settlement agreement resolved all outstanding issues between the Parties, the Parties now desire to dismiss this Action, including the Complaint and Counterclaim.

STIPULATION

Based on the foregoing recitals, the Parties, by and through their counsel, hereby STIPULATE that:

- 1. This action, including the counterclaim, shall be dismissed with prejudice pursuant to Rule 41(a)(1)(A)(ii) and 41(C)(2) of the Federal Rules of Civil Procedure.

DATED: November 8, 2022

DOWNEY BRAND LLP

By: /s/ Matthew J. Weber

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DATED: November 8, 2022

O'CONNOR THOMPSON McDONOUGH
KLOTSCH LLP


By: /s/ Sean-Thomas P. Thompson
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Counterclaimant
DIG IT CONSTRUCTION, INC., and
TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA

ORDER

Pursuant to the stipulation of the parties, this action is DISMISSED with
prejudice in its entirety. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: November 8, 2022



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