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5 Attorneys for Plaintiff  
6 UNIVERSAL PARAGON CORPORATION and  
SUNQUEST PROPERTIES, INC.  
7

8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10

11 UNIVERSAL PARAGON CORPORATION, a  
12 Delaware corporation; and SUNQUEST  
PROPERTIES, INC., a California corporation,

13 Plaintiffs,

14 vs.

15 INGERSOLL-RAND COMPANY LIMITED, a  
16 Bermuda corporation; INGERSOLL-RAND  
CORPORATION, a New Jersey corporation;  
17 SCHLAGE LOCK COMPANY, a California  
corporation; and TOUCH-PLATE  
18 INTERNATIONAL, INC., a California  
corporation,

19 Defendants.  
20

21 AND RELATED COUNTERCLAIM  
22  
23  
24  
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Case No. CV-05-3100 TEH

**STIPULATION AND REQUEST FOR  
DISMISSAL WITH PREJUDICE**

1 **BACKGROUND**

2 The claims remaining in this matter are remnants of a larger dispute, the majority of which was  
3 resolved in May and June 2008. Plaintiffs filed this action in July 2005 against former defendants  
4 Ingersoll-Rand Corporation and Ingersoll-Rand (New Jersey), Schlage Lock Company, and Touch-  
5 Plate International (collectively "Ingersoll-Rand") to recover cleanup costs and related damages  
6 resulting from Ingersoll-Rand's contamination of property owned by Plaintiffs along Highway 101 in  
7 San Francisco and Brisbane, California (the "UPC Property"). In December 2005, Ingersoll-Rand  
8 filed a third-party complaint against Union Pacific Railroad Company ("Union Pacific") seeking  
9 damages, contribution and indemnity due to Union Pacific's alleged contamination of the UPC  
10 Property as well as related contamination allegedly caused by Union Pacific at the adjacent property  
11 then owned by Ingersoll-Rand (the "I-R Property"). In May 2008, with the assistance of Magistrate  
12 Judge Joseph Spero, Plaintiffs and Ingersoll-Rand settled their dispute. The settlement included the  
13 assignment of Ingersoll-Rand's claims in this action against Union Pacific to Plaintiffs.

14 **STIPULATION FOR DISMISSAL**

15 Pursuant to Rule 41 of the Federal Rules of Civil Procedure, Plaintiffs and Union Pacific  
16 Railroad Company, by and through their respective counsel of record, hereby stipulate to dismiss this  
17 action with prejudice.

18 IT IS SO STIPULATED.

19 Dated: March 10, 2011

COX, CASTLE & NICHOLSON LLP

21 By: 

22 Stuart I. Block, Attorneys for Plaintiff  
23 UNIVERSAL PARAGON CORPORATION and  
SUNQUEST PROPERTIES, INC.

24 Dated: March 11, 2011

BARG COFFIN LEWIS & TRAPP, LLP

26 By: 

27 John F. Barg, Attorneys for Third Party Defendant  
28 UNION PACIFIC RAILROAD COMPANY



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