

1 GEORGE J. BARRON, #53117  
ANDREW S. MACKAY, # 197074  
2 DONAHUE GALLAGHER WOODS LLP  
Attorneys at Law  
3 300 Lakeside Drive, Suite 1900  
Oakland, California 94612-3570  
4 Telephone: (510) 451-0544  
Facsimile: (510) 832-1486  
5 george@donahue.com

6 Attorneys for Defendants  
ALBERTSON'S LLC, successor to  
7 ALBERTSON'S, INC. and AMERICAN  
STORES COMPANY, ALBERTSON'S,  
8 INC., and AMERICAN STORES  
COMPANY  
9

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12

13 FEDERAL INSURANCE COMPANY,

14 Plaintiff,

15 v.

16 ALBERTSON'S, INC., AMERICAN  
STORES COMPANY, and DOES 1  
17 through 50, inclusive,,  
18

Defendants.  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CASE NO. C06-04000 MHP

~~[PROPOSED]~~ ORDER FOR  
NULLIFICATION OF SUPERSEDEAS  
BOND AND EXONERATION OF SURETY

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IT IS HEREBY ORDERED that the supersedeas bond, a copy of which is attached hereto as Exhibit A, previously approved by this Court in the above-referenced case, is annulled and the related surety is exonerated.

Dated: 11/14/2008



United States Clerk Judge

# **EXHIBIT A**

FEDERAL INSURANCE COMPANY  
Plaintiff(s)

-against-

ALBERTSON'S, INC., AMERICAN STORES COMPANY, and  
DOES 1 through 50, inclusive,  
Defendant(s)

Bond No. 105027239

Index or  
Cause No. C06-04000 MHP

KNOW ALL MEN BY THESE PRESENTS, that we Save Mart Supermarkets, as Principal, and Travelers Casualty and Surety Company of America, a corporation organized under the laws of the State of Connecticut and authorized to do business in the State of California, as Surety, are held and firmly bound unto Federal Insurance Company, as Obligor, in the maximum penal sum of One Million Six Hundred Fifty Thousand Dollars (\$1,650,000), lawful money of the United States of America, for which payment well and truly to be made we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal will appeal to the Ninth Circuit Court of Appeals from a judgment entered on the 8th day of February, 2008.

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall diligently prosecute its appeal to a decision, and shall promptly perform and satisfy the judgment, then this obligation will be void; otherwise to remain in full force and effect.

PROVIDED HOWEVER, that the aggregate liability under this bond shall in no event exceed the penal sum named herein.

SIGNED, SEALED AND DATED this 13<sup>th</sup> day of February 2008

By: [Signature]  
Save Mart Supermarkets, Principal

Travelers Casualty and Surety Company of America

By: [Signature]  
Donald Winn, Attorney-in-Fact

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Stanislaus

On Feb. 13, 2008 before me, Debra K Keeler  
Date Here Insert Name and Title of the Officer

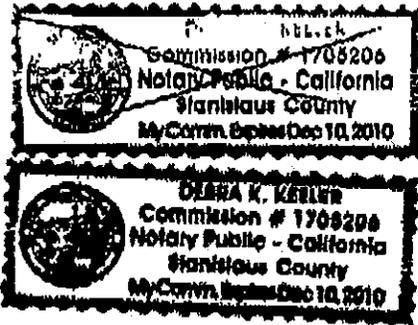
personally appeared Ron Riesenberg  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~ they executed the same in his/~~her~~ authorized capacity(ies), and that by his/~~her~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Debra K Keeler  
Signature of Notary Public



Place Nubby Seal Above

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document*

**Description of Attached Document**

Title or Type of Document: Appeal Bond

Document Date: 2/13/08 Number of Pages: 1

Signer(s) Other Than Named Above: W W W Co. Insurance

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Ron Riesenberg

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

RIGHT THUMBPRINT OF SIGNER  
Top of thumb here

Signer is Representing: Save Mart Supermarkets

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner --  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

RIGHT THUMBPRINT OF SIGNER  
Top of thumb here

Signer is Representing: \_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of San Benito }

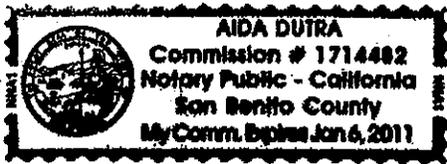
On 02/13/08 before me, Aida Dutra  
Date Here Insert Name and Title of the Officer

personally appeared Donald Winn  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal Above

Signature [Handwritten Signature]  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_