

1 Susan F. Halman, State Bar No. 111511  
 2 SELVIN WRAITH HALMAN LLP  
 3 505 14th Street, Suite 1200  
 4 Oakland, CA 94612  
 Telephone: (510) 874-1811  
 Facsimile: (510) 465-8976  
 E-mail: shalman@selvinwraith.com

5 Attorneys for Defendant  
 6 NIC Insurance Company; Navigators Insurance Company

7  
 8 IN THE UNITED STATES DISTRICT COURT  
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 10

11 RICHARD SCHMITT, doing business as,  
 12 SCHMITT CONSTRUCTION, a California  
 partnership,

13 Plaintiff,

14 v.

15 NIC INSURANCE COMPANY, a New York  
 16 corporation, NAVIGATORS INSURANCE  
 COMPANY, a New York corporation, and Does  
 17 1 to 20,

18 Defendant.

CASE NO.: 3:06cv05837-MHP

**STIPULATION TO DISMISS ENTIRE  
 ACTION WITH PREJUDICE**

Complaint Filed: May 25, 2006

19 **THE PARTIES TO THIS ACTION HEREBY STIPULATE AS FOLLOWS:**


20 Plaintiff Richard Schmitt dba Schmitt Construction (“Plaintiff”) and Defendant NIC Insurance  
 21 Company have entered into a Compromise Settlement Agreement and Release resolving this action as  
 22 to all parties, including Defendant Navigators Insurance Company. Pursuant to the terms of the  
 23 Compromise Settlement Agreement and Release, and in accordance with Federal Rule of Civil  
 24 Procedure 41(a)(1), Plaintiff and Defendants, by and through their respective counsel of record,  
 25 hereby stipulate:

- 26 1. The above-entitled action shall be dismissed, with prejudice, as against all Defendants;
- 27 2. The parties shall bear their own costs and fees, except as provided otherwise in the
- 28 Compromise Settlement Agreement and Release;

1  
2 3. The parties executing this Stipulation are the only parties who have appeared in this  
3 action.

4 Dated: 9-9-08

THE COSTA LAW FIRM

5  
6 By:  \_\_\_\_\_

7 Daniel P. Costa  
8 Attorneys for Plaintiff  
Richard Schmitt dba Schmitt Construction

9 Dated: August 25, 2008

SELVIN WRAITH HALMAN LLP

10  
11 By:  \_\_\_\_\_

12 Susan F. Halman  
13 Attorneys for Defendant  
NIC Insurance Company

14 Dated: August 25, 2008

SELVIN WRAITH HALMAN LLP

15  
16 By:  \_\_\_\_\_

17 Susan F. Halman  
18 Attorneys for Defendant  
Navigators Insurance Company

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