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15 Attorneys for Third-Party Plaintiffs AMERICAN
 16 CASUALTY COMPANY OF READING, PA and
 17 NATIONAL UNION FIRE INSURANCE
 18 COMPANY OF PITTSBURGH, PA

19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA—SAN FRANCISCO DIVISION

21 UNITED STATES OF AMERICA for the Use and
 22 Benefit of WEBCOR CONSTRUCTION, INC. dba
 23 WEBCOR BUILDERS, and WEBCOR
 24 CONSTRUCTION, INC. dba WEBCOR
 25 BUILDERS,

26 Plaintiffs,

27 vs.

28 DICK/MORGANTI, a joint venture, DICK
 CORPORATION, THE MORGANTI GROUP,
 AMERICAN CASUALTY COMPANY OF
 READING, PA, NATIONAL UNION FIRE
 INSURANCE COMPANY OF PITTSBURGH, PA,
 and DOES 1 through 10, inclusive,

Defendants.

AND RELATED COUNTER-CLAIMS AND
 THIRD PARTY CLAIMS.

Case No.: 3:07-CV-02564-CRB

**JOINT REQUEST AND
 STIPULATION OF DISMISSAL OF
 THIRD PARTY DEFENDANT
 ROSENDIN ELECTRIC, INC.;
 [PROPOSED] ORDER**

Before: Hon. Charles R. Breyer

1 Pursuant to FRCP 41(a)(2) and (c), Third Party Defendant ROSENDIN ELECTRIC, INC.
2 (“Rosendin”) and Third Party Plaintiffs AMERICAN CASUALTY COMPANY OF READING,
3 PA, and NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA (together,
4 “Sureties”) stipulate and agree that the Sureties’ Third Party Complaint, as against Rosendin only,
5 be dismissed with prejudice, parties to bear their own fees and costs. This Stipulation is made as
6 part of an agreement under which certain claims of Rosendin are being passed through to the
7 United States government, and will be prosecuted as part of a separate proceeding. Rosendin and
8 Sureties respectfully request that the Court enter an order pursuant to this stipulation.

9 Dated: February 26, 2010 SMITH & BROCKHAGE, LLP

10 /s/
11 By _____
12 Steven F. Brockhage
13 Attorneys for Third-Party Defendant
14 ROSENDIN ELECTRIC, INC.

15 Dated: February 26, 2010 SEDWICK DETERT MORAN & ARNOLD LLP

16 /s/
17 By _____
18 Gregg N. Dulik
19 Attorneys for Third-Party Plaintiffs AMERICAN
20 CASUALTY COMPANY OF READING, PA and
21 NATIONAL UNION FIRE INSURANCE COMPANY
22 OF PITTSBURGH, PA

23 **[PROPOSED] ORDER**

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 The Third Party Complaint of AMERICAN CASUALTY COMPANY OF READING,
26 PA, and NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA as
27 against Third Party Defendant ROSENDIN ELECTRIC, INC. only, is hereby dismissed with
28 prejudice, parties to bear their own fees and costs.

Dated: March 9, 2010

