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 8 DICK/MORGANTI, DICK CORPORATION,
 9 and THE MORGANTI GROUP

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA—SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA for the Use and
 13 Benefit of WEBCOR CONSTRUCTION, INC. dba
 14 WEBCOR BUILDERS, and WEBCOR
 15 CONSTRUCTION, INC. dba WEBCOR
 16 BUILDERS,

17 Plaintiffs,

18 vs.

19 DICK/MORGANTI, a joint venture, DICK
 20 CORPORATION, THE MORGANTI GROUP,
 21 AMERICAN CASUALTY COMPANY OF
 22 READING, PA, NATIONAL UNION FIRE
 23 INSURANCE COMPANY OF PITTSBURGH, PA,
 24 and DOES 1 through 10, inclusive,

25 Defendants.

26 AND RELATED COUNTER-CLAIMS AND
 27 THIRD PARTY CLAIMS.
 28

Case No.: 3:07-CV-02564-CRB
 (Consolidated with 3:07-CV-4180-EDL
 and)

**STIPULATION OF DISMISSALS
 AND PARTIAL DISMISSALS
 PURSUANT TO SETTLEMENT
 AGREEMENT;
~~PROPOSED~~ ORDER**

Before: Hon. Charles R. Breyer

Pursuant to Rule 41, Federal Rules of Civil Procedure, the parties listed below, through counsel, hereby stipulate, pursuant to their written settlement agreement, that the consolidated actions and portions thereof described below be dismissed, with prejudice, parties, and each of them, to bear their own fees and costs.

1 The following action in its entirety: UNITED STATES OF AMERICA for the use and
2 benefit of PERFORMANCE CONTRACTING, INC. v. DICK/MORGANTI, et al. (Case
3 No. 3:07-CV-4180-EDL).

4 The following action in its entirety: UNITED STATES OF AMERICA for the use and
5 benefit of PERMASTEELISA NORTH AMERICA CORP., INC. v. DICK/MORGANTI, et al.
6 (Case No. 3:08-CV-3664-JCS).

7 The following action in its entirety (except as specified below): UNITED STATES OF
8 AMERICA for the use and benefit of WEBCOR CONSTRUCTION, INC. v. DICK/MORGANTI,
9 et al. (Case No. 3:07-CV-02564-CRB) (“Webcor Action”). The exceptions to the dismissal of the
10 Webcor Action are as follows: the Complaint of WEBCOR CONSTRUCTION, INC.; the
11 Counterclaim of DICK/MORGANTI against WEBCOR CONSTRUCTION, INC. and ST. PAUL
12 FIRE AND MARINE INSURANCE COMPANY; and the Third Party Complaint and
13 Counterclaim by AMERICAN CASUALTY COMPANY OF READING, PA and NATIONAL
14 UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA as against WEBCOR
15 CONSTRUCITON, INC. only. As stated in the Joint Notice of Settlement filed herein on
16 February 9, 2011 (Document 272), pursuant to a written settlement agreement, a stipulation of
17 dismissal of the entire Webcor Action, with prejudice, is expected to be filed on or before June 15,
18 2011.

19 Dated: February 17, 2011 SEDGWICK, DETERT, MORAN & ARNOLD LLP

20
21 By: /s/ Gregg N. Dulik
22 Gregg N. Dulik
23 Attorneys for American Casualty Company of
24 Reading, PA
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Dated: February 16, 2011

HOWREY LLP

By: /s/ John W. Ralls
John W. Ralls
Attorneys for Dick/Morganti, Dick Corporation,
and The Morganti Group

Dated: February 17, 2011

OTIS CANLI & IRIKI LLP

By: /s/ Steven L. Iriki
J. Morrow Otis
Steven L. Iriki
Attorneys for Performance Contracting, Inc.

Dated: February 18, 2011

HEYMAN DENSMORE LLP

By: /s/ Roger P. Heyman
Roger P. Heyman
Attorneys for Permasteelisa
North America Corp.

PROPOSED ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February 23, 2011

