



1 Dated: March 9, 2009

CARROLL, BURDICK & McDONOUGH LLP

2

By           /s/ Alan Jacobus          

3

ALAN JACOBUS

4

Attorneys for Defendant

THE CONTINENTAL INSURANCE COMPANY

5 Dated: March 9, 2009

HOWREY LLP

6

By           /s/ Daven G. Lowhurst          

7

DAVEN G. LOWHURST

8

Attorneys for Plaintiff

HOMESTAKE LEAD COMPANY OF MISSOURI

9

**GENERAL ORDER 45 CERTIFICATION**

10

I, Daven G. Lowhurst, hereby attest pursuant to N.D. Cal. General Order No. 45, that the concurrence to the filing of this document has been obtained from each signatory hereto.

11

12

Executed this 9th day of March, 2009, at San Francisco, California.

13

By           /s/ Daven G. Lowhurst          

14

Daven G. Lowhurst

15

Attorneys for Plaintiff

HOMESTAKE LEAD COMPANY OF MISSOURI

16

**ORDER**

17

18

PURSUANT TO THE PARTIES' STIPULATION ABOVE, IT IS HEREBY ORDERED

19

THAT:

20

1. Homestake's claims against Continental in this action are hereby dismissed with

21

prejudice.

22

2. Continental's claims against Homestake in this action are hereby dismissed with

23

prejudice.

24

3. Homestake and Continental shall each bear its respective costs as against the other

25

26

DATED:   March 13, 2009  

27

United States District Court

28

