

04/28/2009 14:06 FAX 310 381 8690

LEGAL DEPARTMENT

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THOMAS C. BURCH (SBN 099163)  
 Email: [tcburch@to2law.com](mailto:tcburch@to2law.com)  
 Norman L. Chong, Esq. (SBN 111439)  
 Email: [nchong@to2law.com](mailto:nchong@to2law.com)  
 TARKINGTON, O'NEILL, BARRACK & CHONG  
 A Professional Corporation  
 601 Van Ness Avenue, Suite 2018  
 San Francisco, California 94102  
 Telephone: (415) 777-5501  
 Facsimile: (415) 546-4962

Attorneys for Plaintiff  
 MARKEL AMERICAN INSURANCE COMPANY

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

MARKEL AMERICAN INSURANCE  
 COMPANY,

Plaintiff,

vs.

PACIFIC ASIAN ENTERPRISES, INC.; a  
 California corporation; LEVITON  
 MANUFACTURING CO., a Delaware  
 corporation; HUBBELL INCORPORATED, a  
 Connecticut corporation; and DOES 1-100,  
 inclusive,

Defendants.

Case No.: C-07-05749 SC

**STIPULATION FOR DISMISSAL WITH  
 PREJUDICE, AND ORDER THEREON**

Plaintiff Markel American Insurance Company and Defendant Hubbell Incorporated, by and through their attorneys of record, pursuant to FRCP Rule 41(a)(2), hereby stipulate that, and request the court to order that, this action be dismissed, with prejudice, as against defendant Hubbell Incorporated, with each party to bear its own costs, expenses, and attorneys' fees. This dismissal with prejudice was precipitated by a joint expert inspection and investigation, including destructive inspection and investigation, of the electrical components removed from

1 the subject vessel, from which it appears that the subject fire was not caused by a defective GFCI  
2 duplex receptacle manufactured by Hubbell Incorporated.

3  
4 DATED: May 1, 2009

TARKINGTON, O'NEILL, BARRACK & CHONG  
A Professional Corporation

6  
7 By: Thomas C Burch  
8 Thomas C. Burch  
9 Attorneys for Plaintiff  
MARKEL AMERICAN INSURANCE COMPANY

10 DATED: April 28, 2009

LATHAM & WATKINS LLP

12 By: Ernest Hahn  
13 Ernest Hahn  
14 Attorneys for Defendant  
HUBBELL INCORPORATED

15  
16 ORDER OF DISMISSAL WITH PREJUDICE

17 Pursuant to stipulation of the parties, and good cause appearing therefore, the Court  
18 hereby orders that this action is dismissed, with prejudice, as against defendant Hubbell  
19 Incorporated, with each party to bear its own costs, expenses and attorneys' fees.

20  
21 DATED: 5/1/09

