

1 Thomas R. Beer (148175), tbeer@bargerwolen.com
 Tino X. Do (221346), tdo@bargerwolen.com
 2 BARGER & WOLEN LLP
 650 California Street, 9th Floor
 3 San Francisco, California 94108-2713
 Telephone: (415) 434-2800
 4 Facsimile: (415) 434-2533

5 Attorneys for Defendant
 GERLING AMERICA INSURANCE COMPANY

7 **UNITED STATES DISTRICT COURT**
 8 **NORTHERN DISTRICT OF CALIFORNIA**

10 FIREMAN'S FUND INSURANCE)
 COMPANY, a foreign corporation a/s/o)
 11 BASIC RESOURCES, INC. and GEORGE)
 REED, INC., a foreign corporation,)
 12)
 Plaintiff,)
 13)
 vs.)
 14)
 GERLING AMERICA INSURANCE)
 15 COMPANY, a foreign corporation,)
 16)
 Defendant.)

CASE NO.: 3:07-cv-06302-CRB
JOINT STIPULATION AND ~~PROPOSED~~
ORDER TO DISMISS ACTION WITH
PREJUDICE

j:\office2\29218\011\09pleadings\jt stip for dismissal.doc

JOINT STIPULATION AND [PROPOSED] ORDER TO DISMISS ACTION WITH PREJUDICE
CASE NO: 3:07-cv-06302-CRB

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Plaintiff FIREMAN'S FUND INSURANCE COMPANY and Defendant GERLING
AMERICA INSURANCE COMPANY, by and through their counsel, hereby stipulate to dismissal
of this action in its entirety with prejudice.

IT IS SO STIPULATED.

DATED this 30th day of January, 2009.

By: /s/ Jon D. Derrevere
JON D. DERREVERE
Derrevere, Hawkes & Black
470 Columbia Drive, Bldg B
West Palm Beach, FL 33409
jdd@derreverelaw.com

By: /s/ Thomas R. Beer
THOMAS R. BEER
Barger & Wolen LLP
650 California Street, 9th Floor
San Francisco, CA 94108
tbeer@bargerwolen.com

Admitted Pro Hac Vice
Counsel for Plaintiff

Counsel for Defendant

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~[PROPOSED]~~ ORDER

IT IS SO ORDERED that the above-captioned matter is dismissed in its entirety with prejudice.

Dated: Feb. 03, 2009

~~THE HONORABLE CHARLES R. BREYER
UNITED STATES DISTRICT COURT~~

