

1 JONATHAN B. COLE (SBN 70460)  
 jcole@nemecek-cole.com  
 2 MATTHEW J. HAFEY (SBN 167122)  
 mhafey@nemecek-cole.com  
 3 NEMECEK & COLE  
 A Professional Corporation  
 4 15260 Ventura Boulevard, Suite 920  
 Sherman Oaks, California 91403-5344  
 5 Telephone: (818) 788-9500  
 Facsimile: (818) 501-0328

6 Attorneys for Plaintiff  
 7 JAMES RIVER INSURANCE COMPANY

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

NEMECEK & COLE  
 A PROFESSIONAL CORPORATION  
 15260 VENTURA BOULEVARD, SUITE 920, SHERMAN OAKS, CALIFORNIA 91403-5344  
 TELEPHONE (818) 788-9500 FACSIMILE (818) 501-0328

12 JAMES RIVER INSURANCE  
 COMPANY, an Ohio corporation,

13 Plaintiff,

14 -vs-

15 LAW OFFICES OF JAMES JAY  
 16 SELTZER, a business entity form  
 unknown; JAMES JAY SELTZER, an  
 17 individual

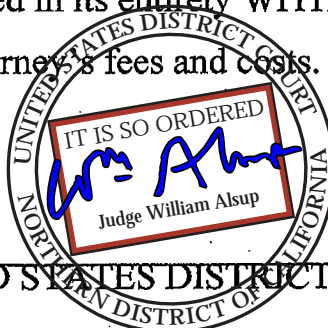
18 Defendants.

Case No. C 08-00784 WHA

**[PROPOSED] ORDER RE  
 DISMISSAL WITH PREJUDICE**

21 The Court, having considered the stipulation of counsel and  
 22 GOOD CAUSE APPEARING THEREFOR, it is hereby ordered that this  
 23 matter, including all counterclaims, is dismissed in its entirety WITH PREJUDICE,  
 24 with each of the parties to bear its/his own attorney's fees and costs.

26 September 30  
 27 DATED: ~~October~~ \_\_, 2008



UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 15260 Ventura Blvd., Suite 920, Sherman Oaks, CA 91403.

On September 26, 2008, I served the document described as **[PROPOSED] ORDER RE DISMISSAL WITH PREJUDICE** upon the interested parties in this action in sealed envelopes addressed as follows:

Jess Millikan, Esq.  
Christopher Todd Norris, Esq.  
Bullivant Houser Bailey  
601 California Street, Suite 1800  
San Francisco, CA 94108-2823

(By Mail) I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Sherman Oaks, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after day of deposit for mailing contained in affidavit.

(By Overnight Delivery) I deposited this document in the box or other facility located at 15260 Ventura Blvd., Suite 920, Sherman Oaks, CA 91403 regularly maintained by Overnite Express, in an envelope designated by Overnite Express with delivery fees paid or provided for, addressed to the persons on whom it is to be served, for guaranteed next business day delivery.

(By Facsimile Transmission) I caused the foregoing document to be served by facsimile transmission to each of the interested parties at the facsimile machine telecopy number shown above.

(By Personal Service) I caused the delivery of such envelope by hand to the offices of the addressee.

Executed on September 26, 2008, at Sherman Oaks, California.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

KARYN A. ELDER

NEMECEK & COLE  
A PROFESSIONAL CORPORATION  
15260 VENTURA BOULEVARD, SUITE 920, SHERMAN OAKS, CALIFORNIA 91403-5344  
TELEPHONE (818) 788-9500 FACSIMILE (818) 501-0328