

Daniel T. Schmaeling, Esq. SBN143691
SHAWN C. MOORE & ASSOCIATES
11070 White Rock Road, Suite 200
Rancho Cordova, CA 95670
Telephone: (916) 638-6610
Facsimile: (916) 638-6607

Attorneys for Plaintiffs
TRAVELERS INDEMNITY COMPANY OF CONNECTICUT
and MARINPAK MPK SONOMA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TRAVELERS INDEMNITY COMPANY OF)
CONNECTICUT; MARINPAK MPK SONOMA,)
INC.,)

Plaintiffs,

v.

COLMA DRAYAGE, INC.; DEVINCENZI)
TRUCKING, INC.; FREDRICK SHUMATE dba)
SHUMATE ENTERPRISES, LLC; and DOES 1 to)
20, inclusive,)

Defendants.)

AND ALL RELATED CROSS-ACTIONS)

Case No.: 3:09-CV-03118 SC
**STIPULATION AND ORDER FOR
DISMISSAL OF PLAINTIFF TRAVELERS
INDEMNITY COMPANY OF
CONNECTICUT AND MARINPAK MPK
SONOMA, INC.'S ACTION WITH
PREJUDICE**

STIPULATION AND ORDER FOR DISMISSAL WITH PREJUDICE

The above-named Plaintiffs', TRAVELERS INDEMNITY COMPANY OF CONNECTICUT
and MARINPAK MPK SONOMA, INC. by and through their counsel, Daniel T. Schmaeling of
Shawn C. Moore & Associates, and Defendants COLMA DRAYAGE, INC., DEVINCENZI
TRUCKING, INC., and FREDRICK SHUMATE DBA SHUMATE ENTERPRISES, LLC AND
SHUMATE ENTERPRISES, LLC by and through their counsel of record herein stipulate to dismissal

1 of the Plaintiffs' Complaint ONLY in the instant action with prejudice. These parties further stipulate
2 that each party shall bear their own fees and costs incurred herein.

3 WHEREFORE, the aforesaid Parties so stipulate and request this Honorable Court grant said
4 relief as set forth hereinabove.

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6 Dated this 14 day of February, 2011
7 SHAWN C. MOORE & ASSOCIATES
8
9 Daniel T. Schmaeling, Esq.
10 Attorneys for Plaintiffs,
11 TRAVELERS INDEMNITY
12 COMPANY OF CONNECTICUT and
13 MARINPAK MPK SONOMA, INC.

Dated this 14 day of February, 2011
GREENE, CHAUVEL, DESCALSO &
MINOLETTI, P.C.
Ahyoung L. Kim
Attorneys for Defendant,
FREDRICK SHUMATE DBA SHUMATE
ENTERPRISES, LLC AND SHUMATE
ENTERPRISES, LLC

13 Dated this 14 day of February, 2011
14 LAMORE, BRAZDER, RIDDLE &
15 GIAMPAOLI
16 Eric Stokile, Esq.
17 Attorneys for Defendant,
18 DEVINCENZI TRUCKING, INC.

Dated this 16 day of February, 2011
MARANGA & MORGENSTERN
Richard M. Ozowski, Esq.
Attorneys for Defendant,
COLMA DRAYAGE, INC.

19
20 **ORDER GRANTING STIPULATION FOR DISMISSAL WITH PREJUDICE**

21 PURSUANT TO STIPULATION, IT IS SO ORDERED: that this action is dismissed with
22 prejudice, that all parties herein shall bear their own attorney's fees and costs incurred.

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24 Executed this 17 day of February, 2011.

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STIPULATION AND ORDER FOR DISMISSAL OF PLAINTIFF TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT AND MARINPAK MPK SONOMA, INC. IN ACTION WITH PREJUDICE
2

1 *Travelers v. Colma Drayage, Inc., et al*
2 *United States District Court, Northern District of California*
3 *Case No. 3:09-CV-03118 SC*

4 **PROOF OF SERVICE**

5 I am employed in the County of Sacramento, State of California. I am over the age of 18 years and
6 not a party to the above-captioned matter. My business address is 11070 White Rock Road, Suite 200 in
7 Rancho Cordova, California 95670.

8 On this date, I served the foregoing document described as: **STIPULATION AND ORDER**
9 **FOR DISMISSAL OF PLAINTIFF TRAVELERS INDEMNITY COMPANY OF**
10 **CONNECTICUT AND MARINPAK MPK SONOMA, INC.'S ACTION WITH PREJUDICE** on
11 the parties below by placing a true copy thereof in a sealed envelope and served same on the
12 parties/counsel, addressed as follows:

13 *Counsel for Colma Drayage*
14 Richard M. Ozowski, Esq.
15 Maranga & Morgenstern
16 A Professional Law Corporation
17 350 Sansome Street, Suite 630
18 San Francisco, CA 94104
19 rozowski@marmorlaw.com
20 Fax: (415) 248-5314

21 *Counsel for Devincenzi Trucking, Inc.*
22 Eric Steinle, Esq.
23 LaMore, Brazier, Riddle & Giampaoli
24 1570 The Alameda, Suite 150
25 San Jose, CA 95126-2305
26 Eric.Steinle@gmail.com
27 Fax: (408) 275-6284

28 *Counsel for Fredrick Shumate dba Shumate*
29 *Enterprises, LLC and Shumate Enterprises, LLC*
30 Ahyoung L. Kim
31 Greene, Chauvel, Descalso & Minoletti, P.C.
32 155 Bovet Road, Suite 780
33 San Mateo, CA 94402
34 akim@greenechauvel.com
35 Fax: (650) 573-9689

36 *Counsel for Hapag-Lloyd (America), Inc.*
37 John D. Giffin, Esq.
38 Anne M. Moriarty, Esq.
39 Keesal, Young & Logan
40 450 Pacific Ave.
41 San Francisco, CA 94133
42 john.giffin@kyl.com
43 annie.moriarty@kyl.com
44 Fax: (415) 981-0136

45 *Counsel for Carrix, Inc.*
46 Joshua B. Bereny, Esq.
47 Bereny & Wallace 15670 Ventura Blvd., 16th Floor
48 Encino, CA 91436
49 josh@berenylaw.com
50 Fax: (818) 789-9041

51 The following is the procedure in which service of this document was effected:
52 **XXX (ELECTRONICALLY)**, I caused said documents to be transmitted using ECF as specified by
53 General Order No. 45.


1 XXX (BY U.S. MAIL) by placing such envelope(s) with postage thereon fully prepaid in the designated
2 area for outgoing mail in accordance with this office's practice, whereby the mail is deposited in a U.S.
3 mailbox after the close of the day's business.

4 _____ (BY PERSONAL SERVICE) by delivering by hand and leaving a true copy with the person and/or
5 secretary at the address shown above.

6 _____ (BY OVERNIGHT CARRIER) by placing a true copy thereof enclosed in a sealed envelope,
7 prepaid, deposited with the overnight carrier/box after the close of the day's business.

8 _____ (BY FACSIMILE TRANSMITTAL) by placing a true copy thereof into a facsimile machine
9 addressed to the person, address and telephone number shown above.

10 I, hereby declare under penalty of perjury under the laws of the State of California that the
11 foregoing is true and correct and this document was executed at Rancho Cordova, California on Thursday,
12 February 17, 2011.

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15 _____
16 Katey Keifer
17 Paralegal to Daniel T. Schmaeling, Esq.
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