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6 Attorneys for Plaintiff and Cross-Defendant
 NATIONAL SURETY CORPORATION

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

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NATIONAL SURETY CORPORATION, an
 Illinois Corporation,

Case No. 3:09-CV-04898-EMC

11

Plaintiff,

**JOINT STIPULATION OF DISMISSAL
 WITH PREJUDICE AND [PROPOSED]
 ORDER**

12

v.

Date:

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PACIFIC INTERNATIONAL VEGETABLE
 14 MARKETING, INC., a California
 Corporation; and DOES 1 to 20,

Time:

Judge: Magistrate Judge Edward M. Chen

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Defendants.

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PACIFIC INTERNATIONAL VEGETABLE
 17 MARKETING, INC., a California
 Corporation,

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Counter-Claimant,

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v.

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NATIONAL SURETY CORPORATION, an
 21 Illinois Corporation,

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Counter-Defendant.

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PACIFIC INTERNATIONAL VEGETABLE
 24 MARKETING, INC., a California
 Corporation,

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Cross-Complainant,

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v.

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TWIW INSURANCE SERVICES, LLC, a
 28 California Corporation,

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Cross-Defendant.

TWIW INSURANCE SERVICES, LLC, a
California Limited Liability Company,

Cross-Complainant,

v.

NATIONAL SURETY CORPORATION, an
Illinois Corporation,

Cross-Defendant.

1 Plaintiff, Counter-Defendant, Cross-Defendant and Counter-Claimant NATIONAL SURETY
2 CORPORATION ("NSC"), Defendant, Counter-Claimant, Third Party Plaintiff and Counter-Defendant
3 PACIFIC INTERNATIONAL VEGETABLE MARKETING, INC. ("PIM") and Defendant, Third
4 Party Defendant and Cross-Claimant TWIW INSURANCE SERVICES, LLC ("TWIW")(collectively
5 the "Parties") file this Joint Stipulation for Dismissal with Prejudice, and would respectfully show the
6 court as follows:

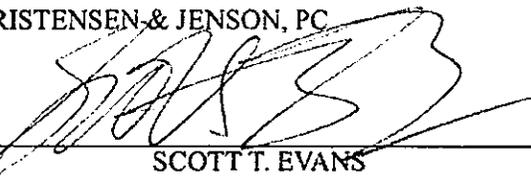
- 7 1. On September 18, 2009, NSC filed a declaratory relief action against PIM in the Superior
8 Court of the State of California for the County of Marin entitled *National Surety*
9 *Corporation v. Pacific International Vegetable Marketing, Inc.*, Case No. CIV094774;
- 10 2. On October 15, 2009, the action was removed to the United States District Court for the
11 Northern District of California, Case No. 3:09-CV-4898;
- 12 3. On October 21, 2009, PIM filed a counterclaim against NSC;
- 13 4. On October 30, 2009, PIM filed a third party complaint against TWIW;
- 14 5. On January 25, 2010, TWIW filed a cross-claim against NSC;
- 15 6. On February 19, 2010, NSC filed a counterclaim against PIM; and
- 16 7. The parties no longer wish to prosecute their claims in this litigation.

17 THEREFORE the parties jointly request that the entire action be dismissed with prejudice.

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19 Dated: 9/13/10

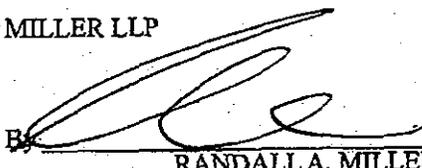
AKIN GUMP STRAUSS HAUER & FELD LLP

20
21 By 
22 ASHLEY B. VINSON
23 Attorneys for NATIONAL SURETY
CORPORATION

24 CHRISTENSEN & JENSON, PC
25
26 By 
27 SCOTT T. EVANS
28 Attorneys for PACIFIC INTERNATIONAL
VEGETABLE MARKETING, INC.

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MILLER LLP



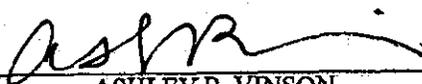
RANDALL A. MILLER
Attorneys for TWIW INSURANCE SERVICES, LLC

ATTESTATION CERTIFICATE

I hereby attest that concurrence in the filing of the document has been obtained from each of the other signatories, which shall serve in lieu of their signatures within this e-filed document.

Dated: 9/13/10

AKIN GUMP STRAUSS HAUER & FELD LLP

By 

ASHLEY B. VINSON
Attorneys for NATIONAL SURETY CORPORATION

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~~[PROPOSED]~~ ORDER

Upon request by the Parties and good cause showing, the Court hereby rules as follows: The Parties' Joint Stipulation of Dismissal with Prejudice is GRANTED.

IT IS SO ORDERED.

Dated: September 14, 2010

Magistrate Judge EDWARD M. CHEN.

