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10 Defendant In Propria Persona
 11 MARIO ALEXANDER

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12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO/OAKLAND DIVISION

16 ALLSTATE INSURANCE COMPANY, an
 17 Illinois Corporation,

No. C 10-00077 EMC

18 Plaintiff,

**STIPULATION OF MARIO
 ALEXANDER TO BE BOUND BY
 JUDGMENT AND PROPOSED ORDER
 THEREON ; ORDER**

19 vs.

20 RICHARD BARNETT and MARIO
 ALEXANDER,

21 Defendants.

22 RELATED COUNTERCLAIM.
 23

24
 25 **STIPULATION TO BE BOUND BY JUDGMENT**

26 WHEREAS defendant Mario Alexander is the plaintiff in an underlying state court action
 27 against defendant Richard Barnett, an Allstate policyholder, styled *Alexander v. Barnett*,
 28 Humboldt County Superior Court case no. DR090825 (the "Underlying Action"); and

1 WHEREAS Allstate has commenced this action for declaratory relief to determine whether
2 its policy requires it to defend or indemnify Mr. Barnett in the Underlying Action under his
3 homeowners policy; and

4 WHEREAS Mr. Alexander, as the underlying plaintiff, is a potential claimant under Mr.
5 Barnett’s Allstate policy pursuant to California Insurance Code section 11580 and has been
6 joined in this action as a nominal defendant to bind him to the judgment and thereby to prevent
7 inconsistent rulings; and

8 WHEREAS Mr. Alexander resides more than 250 miles from the courthouse and lacks the
9 financial resources to engage counsel to represent him in this action or to travel to court for
10 appearances; and

11 WHEREAS Mr. Alexander does not wish to bear the burden of litigating coverage under
12 an insurance policy to which he is not a party; and

13 WHEREAS Mr. Alexander is willing to be bound by any ruling by this Court decreeing
14 Allstate’s coverage obligations with respect to the Underlying Action; and

15 WHEREAS Mr. Alexander’s active participation in this action is unnecessary for the
16 complete, fair and efficient adjudication of the coverage issues raised by the pleadings in this
17 action;

18 NOW, THEREFORE, Allstate and Mr. Alexander hereby stipulate and agree that Mr.
19 Alexander will be bound by any judgment, order or other ruling herein decreeing the rights,
20 responsibilities and obligations of the parties with respect to the issues addressed in Allstate’s
21 complaint for declaratory relief in this action, and acknowledges that this Court’s rulings thereon
22 will be binding upon him. To that end, Mr. Alexander shall be entitled to receive all pleadings,
23 motions, discovery, discovery responses and other documents served or filed by the parties or
24 the Court, but shall be otherwise excused from participating in or attending Court proceedings,
25 provided that, for purposes of appearing to give testimony or to produce documents at deposition
26 or trial, Mr. Alexander shall be deemed a party to this action.

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1 IT IS SO STIPULATED.

2 **Filer's Attestation**

3 Pursuant to General Order No. 45, section X(B) regarding signatures, I attest under
4 penalty of perjury that the concurrence in the filing of this document has been obtained from its
5 signatories.

6 DATED: June 25, 2010

BY /s/ JONE TRAN
JONE TRAN

8 Respectfully Submitted,

9 Dated: June 25, 2010

SONNENSCHN NATH & ROSENTHAL LLP

11 By /s/ JONE TRAN
JONE TRAN

13 Attorneys for Plaintiff and Counter-Defendant
ALLSTATE INSURANCE COMPANY

15 Dated: June __, 2010

DEFENDANT IN PROPRIA PERSONA

17 By 
18 MARIO ALEXANDER

19 Defendant In Propria Persona
20 MARIO ALEXANDER

21 IT IS SO ORDERED.

23 Dated: August 2, 2010

