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6 Attorneys for Plaintiff  
 7 JAMES RIVER INSURANCE COMPANY

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

12 JAMES RIVER INSURANCE COMPANY, )  
 an Ohio corporation, )  
 13 )  
 Plaintiff, )  
 14 )  
 -vs- )  
 15 )  
 DIANA’S CARE HOME, a business entity )  
 16 form unknown; NESTOR CASTANEDA, an )  
 individual; DIANA CASTANEDA, an )  
 17 individual; ESTRELLA ROTHSTEIN, an )  
 individual; HECTOR REYNA, by and )  
 18 through his successor in interest TRACY )  
 MARLENE REYNA, an individual; TRACY )  
 19 MARLENE REYNA, an individual; )  
 HAYWARD SISTERS HOSPITAL, INC., a )  
 20 California corporation; NADHI, INC., a )  
 California corporation; THC ORANGE )  
 21 COUNTY, INC., a California corporation, )  
 )  
 22 Defendants. )  
 )  
 23 \_\_\_\_\_ )

**Case No. C-10-00446 BZ**  
**~~PROPOSED~~ ORDER RE**  
**STIPULATION TO DISMISS**  
**COMPLAINT AGAINST NADHI, INC.**  
**WITHOUT PREJUDICE AND**  
**AGREEMENT TO BE BOUND BY**  
**JUDGMENT**

24 Having considered the Stipulation of the Parties and GOOD CAUSE APPEARING  
 25 THEREFOR, IT IS HEREBY ORDERED AS FOLLOWS:

26 ///  
 27 ///

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1           1.       Defendant NADHI, INC. (“NADHI”) is hereby dismissed from this action WITHOUT  
2 prejudice;

3           2.       NADHI shall cooperate with the pending litigation by making its Person Most  
4 Qualified to testify pursuant to Fed.R.Civ.P. 30(b)(6) available for the giving of his or her deposition  
5 and/or trial testimony without the need for subpoena upon reasonable Notice made by mail to  
6 NADHI’s attorney of record, Henry P. “Rick” Canvel, Esq., Gordon & Rees, LLP, 275 Battery Street,  
7 Suite 2000, San Francisco, CA 94111, Ph: (415) 986-5900, Fax: (415) 986-8054 pursuant to the  
8 Federal Rules of Civil Procedure as if it were still a party. NADHI agrees to this arrangement, that it  
9 is subject to the jurisdiction of this Court, and that it will accept service of any Notice of Deposition  
10 or Notice to Appear at Trial via United States Mail and be bound thereby during the pendency of this  
11 Action.

12           3.       NADHI may, at its option, agree to participate in settlement discussions before a  
13 Magistrate Judge or other settlement officer duly appointed by the above-entitled Court upon  
14 reasonable notice to Mr. Canvel, as if it were a party to this Action.

15           4.       NADHI has waived any rights under California Code of Civil Procedure Section 1989  
16 or its equivalent under the Federal Rules of Civil Procedure and is ordered to provide its Person Most  
17 Qualified to Testify as a witness at trial in the pending litigation on notice as set forth above as if it  
18 were still a party regardless of its principal place of business at the time of service.

19           5.       Should facts develop or documents be discovered at any time prior to the judgment  
20 being entered in this Action, NADHI, INC. has reserved its right to seek to intervene, file a joinder, or  
21 stipulate to or oppose a motion for joinder by another party in this Action, and JAMES RIVER shall  
22 not oppose such intervention or joinder.

23           6.       Unless it elects to intervene or is otherwise joined in the litigation of this Action,  
24 NADHI shall be bound by any judgment ultimately rendered against Nestor Castaneda, Diana  
25 Castaneda, Estrella Rothstein and/or Diana’s Care Home as though it were still a party to this Action.  
26 The Court retains jurisdiction over NADHI for the purpose of entering a Judgment in plaintiff’s  
27 behalf should plaintiff prevail against Nestor Castaneda, Diana Castaneda, Estrella Rothstein and/or  
28 Diana’s Care Home.

1           7.       JAMES RIVER and NADHI shall each bear their own costs and attorney fees as  
2 respects NADHI.

3           8.       This Order may be the basis for an instruction to the trier or findings by the Court, but  
4 only in a manner not inconsistent with its stated terms.

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6 Dated: August 4, 2010

  
UNITED STATES MAGISTRATE JUDGE

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