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6 Attorneys for Plaintiff  
7 JAMES RIVER INSURANCE COMPANY

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

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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. )

Case No. C-10-00446 BZ  
[PROPOSED] ORDER RE  
STIPULATION TO DISMISS  
COMPLAINT AGAINST TRACY  
MARLENE REYNA, INDIVIDUALLY,  
AND HECTOR REYNA, BY AND  
THROUGH TRACY MARLENE  
REYNA WITHOUT PREJUDICE AND  
AGREEMENT TO BE BOUND BY  
JUDGMENT

23  
24 Having considered the Stipulation of the Parties and GOOD CAUSE APPEARING  
25 THEREFOR, IT IS HEREBY ORDERED AS FOLLOWS:

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1           1.       Defendants TRACY MARLENE REYNA, individually, and HECTOR REYNA, by  
2 and through TRACY MARLENE REYNA (collectively, the "REYNA PARTIES") are hereby  
3 dismissed from this action WITHOUT prejudice;

4           2.       The REYNA PARTIES shall cooperate with the pending litigation by making TRACY  
5 MARLENE REYNA available for the giving of her trial testimony without the need for subpoena  
6 upon reasonable Notice made by mail to the REYNA PARTIES in care of TRACY MARLENE  
7 REYNA, 130 Caldecott Lane, # 2, Oakland, CA 94618, tel. (510) 881-4980, email  
8 [miliondollarwoman@aol.com](mailto:miliondollarwoman@aol.com), or such further address to be supplied by TRACY MARLENE  
9 REYNA, upon condition that if at the time her testimony is needed, TRACY MARLENE REYNA no  
10 longer resides in the Northern District of California, JAMES RIVER INSURANCE COMPANY  
11 ("JAMES RIVER") or any other Party seeking TRACY MARLENE REYNA's testimony will pay  
12 for, in advance, her reasonable economy class airfare (roundtrip), her reasonable hotel, ground  
13 transportation, per diem for food, and airport parking while in the Northern District of California to  
14 testify. The REYNA PARTIES agree to this arrangement, that they are subject to the jurisdiction of  
15 this Court, and that they will accept service of any Notice to Appear at Trial via United States Mail  
16 and be bound thereby during the pendency of this Action.

17           3.       The REYNA PARTIES may, at their option, agree to participate in settlement  
18 discussions before a Magistrate Judge or other settlement officer duly appointed by the above-entitled  
19 Court upon reasonable notice to Ms. Reyna, as if they were parties to this Action.

20           4.       The REYNA PARTIES have waived any rights under California Code of Civil  
21 Procedure Section 1989 or its equivalent under the Federal Rules of Civil Procedure.

22           5.       Unless the REYNA PARTIES successfully intervene or are otherwise joined in the  
23 litigation of this Action (in which case the REYNA PARTIES may litigate on the merits), the  
24 REYNA PARTIES shall be bound by any judgment ultimately rendered against Nestor Castaneda,  
25 Diana Castaneda, Estrella Rothstein and/or Diana's Care Home as though they were still parties to  
26 this Action. The Court retains jurisdiction over the REYNA PARTIES for the purpose of entering  
27 said judgment.

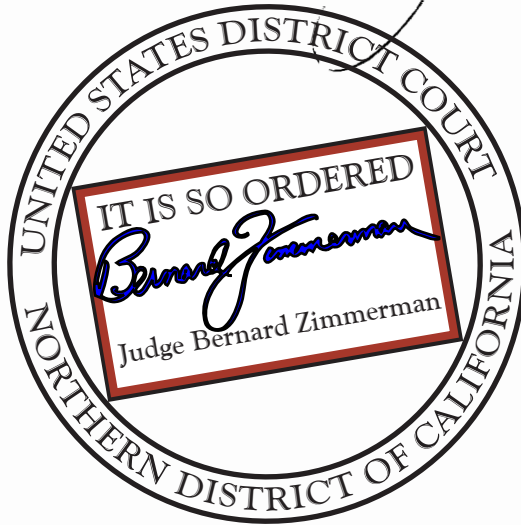
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1           6.       JAMES RIVER and the REYNA PARTIES shall each bear their own costs and  
2 attorney fees as respects THC.

3           7.       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: June 25 2010

*Bernard Zimmerman*  
UNITED STATES MAGISTRATE JUDGE



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