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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HANOVER INSURANCE COMPANY,  
a New Hampshire corporation,

Plaintiff,

v.

FEDERAL DEPOSIT INSURANCE  
CORPORATION, IN ITS CAPACITY  
AS RECEIVER FOR UNITED  
COMMERCIAL BANK,

Defendants.

CASE NO.: CV 10 1697 MEJ

~~[PROPOSED]~~ ORDER RE  
MOTION AND STIPULATION  
FOR DISMISSAL WITHOUT  
PREJUDICE OF COMPLAINT  
UNDER FEDERAL RULE OF  
CIVIL PROCEDURE 41

Judge: Magistrate Judge Maria-Elena  
James

Complaint Filed: April 20, 2010  
Trial Date:

Having considered the Motion and Stipulation of Dismissal presented to the Court and finding good cause from the stipulation and under Federal Rule of Civil Procedure 41, IT IS HEREBY ORDERED:

1. Hanover Insurance Company's Complaint is dismissed without prejudice.

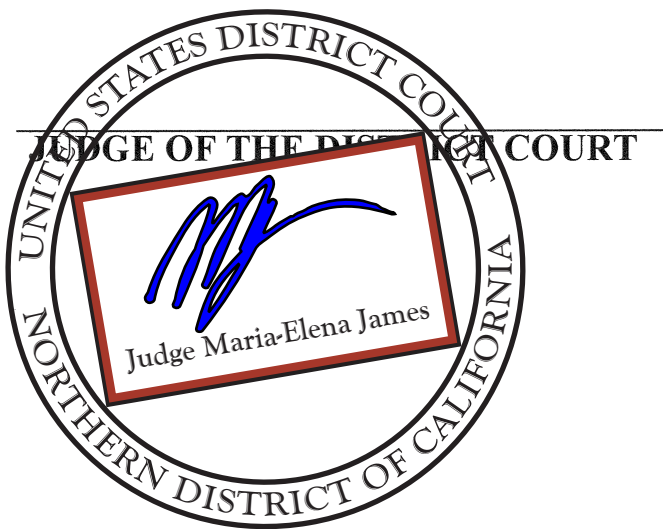
2. Each and every count and cause of action in the Complaint is dismissed without prejudice.

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3. Each party to bear its own costs and attorneys' fees.

Dated: May 9, 2011



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**PROOF OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Sedgwick LLP, 801 South Figueroa Street, 19th Floor, Los Angeles, CA 90017-5556. On May 6, 2011, I served the within document(s):

**[PROPOSED] ORDER RE MOTION AND STIPULATION FOR  
DISMISSAL WITHOUT PREJUDICE OF COMPLAINT  
UNDER FEDERAL RULE OF CIVIL PROCEDURE 41**

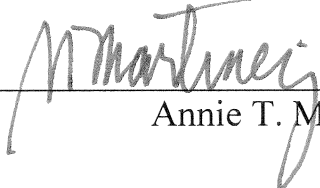
- FACSIMILE - by transmitting via facsimile the document(s) listed above to the fax number(s) set forth on the attached Telecommunications Cover Page(s) on this date before 5:00 p.m.
- MAIL - by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- PERSONAL SERVICE - by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ELECTRONIC – by electronically transmitting the document(s) listed above to the electronic notification address(es) of the addressee(s) listed below.

**SEE ATTACHED SERVICE LIST**

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on May 6, 2011, at Los Angeles, California.

  
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Annie T. Martinez

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**SERVICE LIST**

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FEDERAL DEPOSIT INSURANCE  
CORPORATION