

Selman Breitman LLP
ATTORNEYS AT LAW

1 SHERYL W. LEICHENGER (SBN 161688)
 sleichen@selmanbreitman.com
2 LISA MARTIN LAMPKIN (SBN 199514)
 llampkin@selmanbreitman.com
3 LAURA R. RAMOS (SBN (SBN 186326)
 lramos@selmanbreitman.com
4 SELMAN BREITMAN LLP
 11766 Wilshire Blvd., Sixth Floor
5 Los Angeles, CA 90025
 Telephone: (310) 445-0800
6 Facsimile: (310) 473-2525

7 Attorneys for Third-Party Defendant and Cross-Claimant
8 SCOTTSDALE INSURANCE COMPANY

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

12 SIERRA BAY CONTRACTORS, INC., a
13 California Corporation,

14 Plaintiff,

15 v.

16 WESTCHESTER SURPLUS LINES
17 INSURANCE COMPANY, a Georgia corporation,
 and ROES 1 through 50, inclusive,

18 Defendants.

19 WESTCHESTER SURPLUS LINES INSURANCE
20 COMPANY, a Georgia Corporation,

21 Third-Party Plaintiff,

22 v.

23 ASPEN SPECIALTY INSURANCE COMPANY,
 a North Dakota Corporation; CONTINENTAL
24 CASUALTY INSURANCE COMPANY, an
 Illinois Corporation; GEMINI INSURANCE
25 COMPANY, a Delaware Corporation; GREAT
 AMERICAN ASSURANCE COMPANY, an Ohio
26 Corporation; GREAT AMERICAN INSURANCE
 COMPANY, an Ohio Corporation; INTERSTATE
27 FIRE AND CASUALTY COMPANY, an Illinois
 Corporation; LEXINGTON INSURANCE
28 COMPANY, a Delaware Corporation; LIBERTY

CASE NO. 3:10-CV-04611-RS

**STIPULATION AND [PROPOSED]
ORDER FOR DISMISSAL WITHOUT
PREJUDICE OF SCOTTSDALE
INSURANCE COMPANY'S CROSS-
CLAIM AGAINST LEXINGTON
INSURANCE COMPANY, IN
EXCHANGE FOR A WAIVER OF
COSTS**

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SURPLUS INSURANCE CORPORATION, a New Hampshire Corporation; NIC INSURANCE COMPANY, a New York Corporation; OLD REPUBLIC GENERAL INSURANCE CORPORATION, an Illinois Corporation; TRANSCONTINENTAL INSURANCE COMPANY, an Illinois Corporation; SCOTTSDALE INSURANCE COMPANY, an Ohio Corporation; TRUCK INSURANCE EXCHANGE, a California Corporation; VIRGINIA SURETY COMPANY, an Illinois Corporation,

Third-Party Defendants.

SCOTTSDALE INSURANCE COMPANY, an Ohio Corporation,

Cross-Claimant,

v.

AMERICAN SAFETY INDEMNITY COMPANY an Oklahoma Corporation; NAVIGATORS SPECIALTY INSURANCE COMPANY, formally known as NIC Insurance Company, a New York Corporation; GEMINI INSURANCE COMPANY, a Delaware Corporation; LEXINGTON INSURANCE COMPANY, a Delaware Corporation; and ROES 1 through 20, inclusive,

Cross-Defendants.

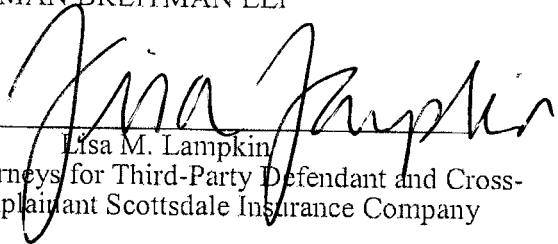
Pursuant to Federal Rule of Civil Procedure 41, third-party defendant and cross-claimant Scottsdale Insurance Company ("Scottsdale"), and cross-defendant Lexington Insurance Company ("Lexington"), have agreed and hereby stipulate to the dismissal of Scottsdale's Cross-Claim against Lexington, without prejudice, subject to said parties' mutual waiver of costs.

IT IS SO STIPULATED.

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DATED: May 25, 2012

SELMAN BREITMAN LLP

By: 
Lisa M. Lampkin
Attorneys for Third-Party Defendant and Cross-Complainant Scottsdale Insurance Company

DATED: May 25, 2012

SELVIN WRAITH HALMAN LLP

By: 
David A. Evans
Attorneys for Cross-Defendant Lexington Insurance Company

~~PROPOSED~~ ORDER OF PARTIAL DISMISSAL

Having reviewed the above stipulation, the Court orders that cross-defendant Lexington Insurance Company be dismissed, without prejudice, from Scottsdale Insurance Company's cross-claim, with each side to bear its own fees and costs. The remainder of the cross-claims shall not be impacted by this Order.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 5/30/12


United States District Court
District of Northern California