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6 Attorneys for Defendant and Third-Party Plaintiff,
WESTCHESTER SURPLUS LINES INSURANCE COMPANY

7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **(San Francisco)**

12 SIERRA BAY CONTRACTORS, INC., A
California Corporation,
13
Plaintiff,
14
v.
15
WESTCHESTER SURPLUS LINES
16 INSURANCE COMPANY, a Georgia
corporation, and ROES 1 through 50,
17 inclusive,
18
Defendants.

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

**STIPULATION AND [PROPOSED]
ORDER FOR DISMISSAL OF
INTERSTATE FIRE & CASUALTY
COMPANY**

19
20 AND RELATED CROSS-ACTIONS

21
22 Pursuant to F.R.C.P. 41, Defendant and Third-Party Plaintiff Westchester Surplus Lines
23 Insurance Company (“Westchester”), and Third-Party Defendant and Cross-Claimant, Interstate
24 Fire & Casualty Company (“Interstate”), have agreed and hereby stipulate to the dismissal of
25 Interstate from Westchester’s Third-Party Complaint, with prejudice, subject to said parties’
26 mutual waiver of costs. Said parties request the Court’s approval and execution of the below
27 proposed order for dismissal.

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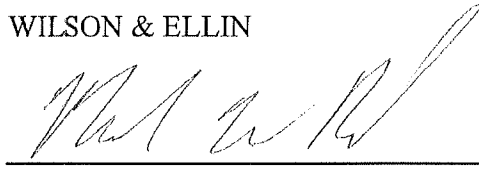
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IT IS SO STIPULATED.

DATE: November 14, 2012

WILSON & ELLIN

By:

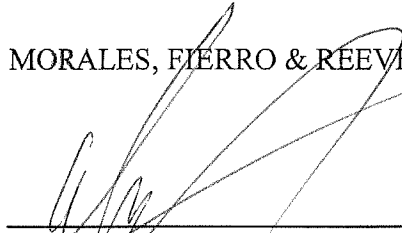


Mark W. Peck
Attorneys for Third-Party Defendant and Cross-Claimant
INTERSTATE FIRE & CASUALTY COMPANY

DATE: November 16, 2012

MORALES, FIERRO & REEVES

By:



David A. Astengo
Attorneys for Defendant and Third-Party Plaintiff
WESTCHESTER SURPLUS LINES INSURANCE
COMPANY

[PROPOSED] ORDER OF PARTIAL DISMISSAL

Having reviewed the above stipulation, the Court orders that Defendant and Third-Party Plaintiff, Westchester Surplus Lines Insurance Company's Third-Party Complaint against Third-Party Defendant and Cross-Claimant Interstate Fire & Casualty Company, be dismissed, with prejudice. The remainder of the Third-Party Complaint shall not be changed or impacted by this Order.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: 11/21/12



United States District Court
District of Northern California