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7 Attorneys for Defendant / Third-Party Plaintiff, WESTCHESTER  
 8 SURPLUS LINES INSURANCE COMPANY

9 UNITED STATES DISTRICT COURT  
 10 NORHTERN DISTRICT OF CALIFORNIA  
 11 SAN FRANCISCO

13		)	CASE NO.: 3:10-cv-04611-RS
14	SIERRA BAY CONTRACTORS, INC.,	)	<b>STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL OF SCOTTSDALE INSURANCE COMPANY</b>
15	A California Corporation,	)	
16	Plaintiff,	)	
17	vs.	)	
18	WESTCHESTER SURPLUS LINES	)	
19	INSURANCE COMPANY, a Georgia	)	
20	corporation, and DOES 1 through 50, inclusive,	)	
21	Defendants.	)	
22	_____	)	
	AND RELATED CROSS-ACTIONS	)	
	_____	)	

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

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**IT IS SO STIPULATED.**

DATE: December \_\_\_\_, 2012

SELMAN BREITMAN, LLP

By: \_\_\_\_\_  
LISA MARTIN LAMPKIN  
Attorneys for Third-Party Defendant and Cross-  
Claimant, SCOTTSDALE INSURANCE  
COMPANY

DATE: December 19, 2012

MORALES, FIERRO & REEVES

By: /s/ David Astengo  
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, First Amended Third-Party Complaint against Third-Party Defendant and Cross-Claimant, Scottsdale Insurance Company, be dismissed, with prejudice. The remainder of Westchester Surplus Lines Insurance Company's First Amended Third-Party Complaint shall not be changed or impacted by this Order.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Date:


\_\_\_\_\_  
HONORABLE RICHARD SEEBORG  
United States District Court  
Northern District of California

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DATE: December 19 2012

SELMAN BREITMAN, LLP

By:   
LISA MARTIN LAMPKIN  
Attorneys for Third Party Defendant and Cross-  
Claimant, SCOTTSDALE INSURANCE  
COMPANY

DATE: December 19, 2012

MORALES, FIERRO & REEVES


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DAVID A. ASTENGO  
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**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Date: 12/19/12

  
HONORABLE RICHARD SEEBORG  
United States District Court  
Northern District of California