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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

12
 13 SIERRA BAY CONTRACTORS, INC.,)
 14 A California Corporation,)
 15 Plaintiff,)
 16 vs.)
 17 WESTCHESTER SURPLUS LINES)
 18 INSURANCE COMPANY, a Georgia)
 19 corporation, and DOES 1 through 50,)
 20 inclusive,)
 Defendants.)
 21 _____)
 22 AND RELATED CROSS-ACTIONS)
 _____)

CASE NO.: 3:10-cv-04611-RS
**STIPULATION AND [PROPOSED]
 ORDER FOR DISMISSAL OF
 CONTINENTAL CASUALTY
 COMPANY AND NATIONAL FIRE
 INSURANCE COMPANY OF
 HARTFORD**

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

1 proposed order for dismissal.

2 **IT IS SO STIPULATED.**

3
4 DATE: December ____, 2012

COLLIAU, ELENIOUS, MURPHY CARLUCCIO,
KEENER & MORRPW

5
6 By: _____
7 STEPHEN RANDALL
8 Attorneys for Third-Party Defendants,
9 CONTINENTAL CASUALTY COMPANY and
NATIONAL FIRE INSURANCE COMPANY
OF HARTFORD

10 DATE: December 19, 2012

MORALES, FIERRO & REEVES

11
12
13 By: /s/ David Astengo
14 DAVID A. ASTENGO
15 Attorneys for Defendant and Third-Party
16 Plaintiff, WESTCHESTER SURPLUS LINES
INSURANCE COMPANY

17 **[PROPOSED] ORDER OF PARTIAL DISMISSAL**

18 Having reviewed the above stipulation, the Court orders that Defendant and Third-Party
19 Plaintiff, Westchester Surplus Lines Insurance Company's, First Amended Third-Party Complaint
20 against Third-Party Defendants, Continental Casualty Company and National Fire Insurance
21 Company of Hartford, be dismissed, with prejudice. The remainder of Westchester Surplus Lines
22 Insurance Company's First Amended Third-Party Complaint shall not be changed or impacted by
23 this Order.

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

25 Date:


26 _____
27 HONORABLE RICHARD SEEBORG
28 United States District Court
Northern District of California

1 proposed order for dismissal.

2 **IT IS SO STIPULATED.**

3
4 DATE: December 19, 2012

COLLIAU, ELENUS, MURPHY CARLUCCIO,
KEENER & MORRPW

5
6 By: 
STEPHEN RANDALL
7 Attorneys for Third-Party Defendants,
8 CONTINENTAL CASUALTY COMPANY and
9 NATIONAL FIRE INSURANCE COMPANY
OF HARTFORD

10 DATE: December 19, 2012

MORALES, FIERRO & REEVES


11
12
13 By: _____
14 DAVID A. ASTENGO
15 Attorneys for Defendant and Third-Party
16 Plaintiff, WESTCHESTER SURPLUS LINES
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22 Company of Hartford, be dismissed, with prejudice. The remainder of Westchester Surplus Lines
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24 this Order.

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

26 Date: 12/19/12

27 
HONORABLE RICHARD SEEBORG
United States District Court
Northern District of California