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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
INSURANCE COMPANY, a Georgia corporation,
and ROES 1 through 50, inclusive,

17 Defendants.

18
19 WESTCHESTER SURPLUS LINES INSURANCE
COMPANY, a Georgia Corporation,

20 Third-Party Plaintiff,

21 v.

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

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

**STIPULATION AND [PROPOSED]
ORDER FOR DISMISSAL WITH
PREJUDICE OF SCOTTSDALE
INSURANCE COMPANY'S CROSS-
CLAIM AGAINST LEXINGTON
INSURANCE COMPANY, IN
EXCHANGE FOR A WAIVER OF
COSTS**

1 SURPLUS INSURANCE CORPORATION, a
2 New Hampshire Corporation; NIC INSURANCE
3 COMPANY, a New York Corporation; OLD
4 REPUBLIC GENERAL INSURANCE
5 CORPORATION, an Illinois Corporation;
6 TRANSCONTINENTAL INSURANCE
7 COMPANY, an Illinois Corporation;
8 SCOTTSDALE INSURANCE COMPANY, an
9 Ohio Corporation; TRUCK INSURANCE
10 EXCHANGE, a California Corporation;
11 VIRGINIA SURETY COMPANY, an Illinois
12 Corporation,

Third-Party Defendants.

13 SCOTTSDALE INSURANCE COMPANY, an
14 Ohio Corporation,

Cross-Claimant,

v.

15 AMERICAN SAFETY INDEMNITY
16 COMPANY an Oklahoma Corporation;
17 NAVIGATORS SPECIALTY INSURANCE
18 COMPANY, formally known as NIC Insurance
19 Company, a New York Corporation; GEMINI
20 INSURANCE COMPANY, a Delaware
21 Corporation; LEXINGTON INSURANCE
22 COMPANY, a Delaware Corporation; and ROES
23 1 through 20, inclusive,

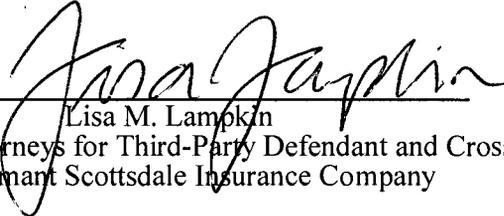
Cross-Defendants.

24 Pursuant to Federal Rule of Civil Procedure 41, third-party defendant and cross-claimant
25 Scottsdale Insurance Company ("Scottsdale"), and cross-defendant Lexington Insurance Company
26 ("Lexington"), have agreed and hereby stipulate to the dismissal of Scottsdale's Cross-Claim
27 against Lexington, with prejudice, subject to said parties' mutual waiver of costs.

IT IS SO STIPULATED.

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DATED: December 20, 2012 SELMAN BREITMAN LLP

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

DATED: December , 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, with prejudice, from Scottsdale Insurance Company's cross-claim, with each side to bear its own fees and costs.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____
United States District Court
District of Northern California

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DATED: December 20, 2012 SELMAN BREITMAN LLP

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

DATED: December 20, 2012 SELVIN WRAITH HALMAN LLP

By: David A. Evans
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, with prejudice, from Scottsdale Insurance Company's cross-claim, with each side to bear its own fees and costs.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 12/21/12 _____

Richard Seabury
United States District Court
District of Northern California