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 11 SURPLUS LINES INSURANCE COMPANY

12 UNITED STATES DISTRICT COURT
 13 NORHTERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO

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

CASE NO.: 3:10-cv-04611-RS
**STIPULATION AND ~~[PROPOSED]~~
 ORDER FOR DISMISSAL OF ASPEN
 SPECIALTY INSURANCE COMPANY
 WITH PREJUDICE**

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

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IT IS SO STIPULATED.

DATE: December 21, 2012

LAW OFFICES OF SAMUEL F. BARNUM

By: /s/ Samuel F. Barnum
SAMUEL F. BARNUM
Attorneys for Third-Party Defendant,
ASPEN SPECIALTY INSURANCE COMPANY

DATE: December 21, 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, Aspen Specialty 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: 12/21/12



HONORABLE RICHARD SEEBORG
United States District Court
Northern District of California