

Selman Breitman LLP
ATTORNEYS AT LAW

1 SHERYL W. LEICHENGER (SBN 161688)
sleichenger@selmanbreitman.com
2 LISA MARTIN LAMPKIN (SBN 199514)
llampkin@selmanbreitman.com
3 LAURA R. RAMOS (SBN (SBN 186326))
lramos@selmanbreitman.com
4 SELMAN BREITMAN LLP
11766 Wilshire Blvd., Sixth Floor
5 Los Angeles, CA 90025
Telephone: (310) 445-0800
6 Facsimile: (310) 473-2525

7 Attorneys for Third-Party Defendant and Cross-Claimant
8 SCOTTSDALE INSURANCE COMPANY

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11
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, 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 AMERICAN SAFETY
INDEMNITY 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.

SCOTTSDALE INSURANCE COMPANY, an
Ohio Corporation,

Cross-Claimant,

v.

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

Cross-Defendants.

21 Pursuant to Federal Rule of Civil Procedure 41, third-party defendant and cross-claimant
22 Scottsdale Insurance Company ("Scottsdale"), and cross-defendant American Safety Indemnity
23 Company ("ASIC "), have agreed and hereby stipulate to the dismissal of Scottsdale's Cross-Claim
24 against ASIC, with prejudice, subject to said parties' mutual waiver of costs.

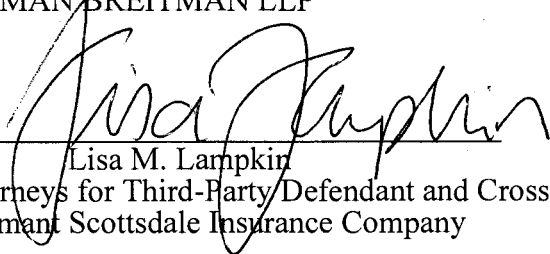
IT IS SO STIPULATED.

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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

LAW OFFICES OF SEMHA ALWAYA

By:

Semha Alwaya

Attorneys for Cross-Defendant American Safety Indemnity Company

[PROPOSED] ORDER OF PARTIAL DISMISSAL

Having reviewed the above stipulation, the Court orders that cross-defendant American Safety Indemnity 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 , 2012 LAW OFFICES OF SEMHA ALWAYS

By: Semha Always
Semha Always
Attorneys for Cross-Defendant American Safety
Indemnity Company

PROPOSED ORDER OF PARTIAL DISMISSAL

Having reviewed the above stipulation, the Court orders that cross-defendant American Safety Indemnity 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: 12/31/12

Richard Seabury
United States District Court
District of Northern California