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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

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 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 OLD  
 REPUBLIC GENERAL INSURANCE  
 CORPORATION AND VIRGINIA  
 SURETY COMPANY, INC.**

23 Pursuant to F.R.C.P. 41, Defendant and Third-Party Plaintiff, Westchester Surplus Lines  
 24 Insurance Company (“Westchester”), and Third-Party Defendants, Old Republic General  
 25 Insurance Corporation (“Old Republic”) and Virginia Surety Company, Inc. (“Virginia Surety”),  
 26 have agreed and hereby stipulate to the dismissal of Old Republic and Virginia Surety 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.**

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4 DATE: December 28, 2012

BRANSON, BRINKOP, GRIFFITH & STRONG,  
LLP

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By: /s/ Michele O. Blaise

MICHELE O. BLAISE  
Attorneys for Third-Party Defendants,  
OLD REPUBLIC GENERAL INSURANCE  
CORPORATION and VIRGINIA SURETY  
COMPANY, INC.

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DATE: December 28, 2012

MORALES, FIERRO & REEVES

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By: /s/ David Astengo

DAVID A. ASTENGO  
Attorneys for Defendant and Third-Party  
Plaintiff, WESTCHESTER SURPLUS LINES  
INSURANCE COMPANY

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**~~PROPOSED~~ ORDER OF PARTIAL DISMISSAL**

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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 Defendants, Old Republic General Insurance Corporation and Virginia Surety Company, Inc., 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.

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

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Date: 12/31/12



HONORABLE RICHARD TEBORG  
United States District Court  
Northern District of California

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