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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA.,

No. C-11-1892 EMC

Plaintiff,

**ORDER RE STIPULATED NOTICE OF  
DISMISSAL WITH PREJUDICE**

v.

**(Docket No. 84)**

PAYLESS SHOESOURCE, INC., *et al.*,

Defendants.

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Plaintiff National Union Fire Insurance Company of Pittsburgh, PA. ("National Union"), and Defendants Payless Shoesource, Inc., *et al.* (collectively "Payless"), have stipulated to dismiss the above-captioned matter with prejudice. *See* Docket No. 84. Prior to their filing of the instant stipulation, the Court ordered Plaintiff to show cause as to why this case should not be dismissed following the resolution of a similar suit in the U.S. District Court for the District of Kansas. *See Collective Brands, Inc. et. al. v. National Union Fire Insurance Company of Pittsburgh, PA. et. al.*, No. 5:11-cv-04097-JTM-KGG, Docket No. 82 (Judgment). Plaintiff filed a timely response to the order to show cause, *see* Response to Order to Show Cause (Docket No. 82), and the Court is satisfied by the explanation provided therein and vacates the order to show cause (terminating Docket No. 81).

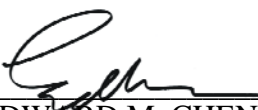
Fed. R. Civ. P. 41(a)(1)(A) permits a plaintiff to voluntarily dismiss an action without a court order by filing "a stipulation of dismissal signed by all parties who have appeared." National Union's Joint Notice of Stipulation of Dismissal with Prejudice (Docket No. 84) meets the

1 requirements of this rule. Therefore, this action is **DISMISSED WITH PREJUDICE**.  
2 Defendants' Motion to Dismiss, Stay, or Transfer (Docket No. 51) and Plaintiff's Motion for  
3 Summary Judgment (Docket No. 70) are **DENIED** as moot. The Clerk is directed to close the file in  
4 this matter.

5 This order disposes of Docket Nos. 51, 70, and 81.

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7 IT IS SO ORDERED.

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9 Dated: March 15, 2013

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13 EDWARD M. CHEN  
14 United States District Judge  
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