

E-Filed 1/5/12

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 INSURANCE COMPANY f/k/a CIGNA PROPERTY &
 13 CASUALTY INSURANCE COMPANY f/k/a AETNA
 INSURANCE COMPANY
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15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**

18 MBL, INC.,

19 Plaintiff,

20 v.

21 ACE PROPERTY & CASUALTY
 INSURANCE COMPANY, f/k/a CIGNA
 22 PROPERTY & CASUALTY INSURANCE
 COMPANY, f/k/a/ AETNA INSURANCE
 23 COMPANY, and DOES 1 through 100,
 Inclusive,
 24

25 Defendants.

Case No. CV 11-3456 RS

(Case assigned to Hon. Richard Seeborg)

**STIPULATION FOR
 DISMISSAL OF COMPLAINT
 PURSUANT TO SETTLEMENT
 AGREEMENT AND TO TAKE
 PLAINTIFFS' MOTION FOR
 SUMMARY JUDGMENT OFF
 CALENDAR; [PROPOSED]
 ORDER**

Complaint Filed: June 10, 2011

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HAMRICK & EVANS, LLP

1 TO THE HONORABLE COURT, TO ALL PARTIES HEREIN AND
2 TO THEIR RESPECTIVE ATTORNEYS OF RECORD:

3 WHEREAS Plaintiff MBL, INC ("MBL" or "Plaintiff") brought the above-
4 captioned action (the "Complaint") alleging bad faith and various other causes of
5 action against Defendant ACE PROPERTY & CASUALTY INSURANCE
6 COMPANY, f/k/a CIGNA PROPERTY & CASUALTY INSURANCE
7 COMPANY, f/k/a/ AETNA INSURANCE COMPANY ("ACE" or "Defendant")
8 arising out of Defendant's denial of MBL's tender of defense and indemnity relating
9 to the lawsuit styled *United States of America v. Stephen C. Lyon, etc., et al.*, United
10 States District Court, Eastern District of California, Court Case No. 1:07 CV 00491
11 LJO NEW.

12 WHEREAS ACE denied all such allegations.

13 WHEREAS the Parties have reached a settlement regarding the various issues
14 raised and causes of action asserted in the Complaint.

15 Accordingly, IT IS HEREBY STIPULATED by and between the Parties
16 herein, through their respective attorneys of record, pursuant to Rule 41(a)(1)(A)(ii)
17 of the Federal Rules of Civil Procedure, as follows:

- 18 1. Plaintiff hereby dismisses its Complaint filed on June 10, 2011
- 19 against Defendant in its entirety, with prejudice;
- 20 2. In light of the foregoing, Plaintiff's Motion for Summary
- 21 Judgment or Partial Summary Judgment is taken off calendar.
- 22 3. Each Party will bear its own costs and attorneys' fees.


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1 4. The Parties request that the Court retain jurisdiction to enforce
2 the Settlement Agreement between Plaintiff and Defendant dated November 22,
3 2011 by issuing an Order that explicitly retains jurisdiction to enforce that
4 Settlement Agreement.

5 IT IS SO STIPULATED.


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7 DATED: January 5, 2011

HAMRICK & EVANS, LLP

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9 By: 
10 A. RAYMOND HAMRICK, III
11 KENNETH A. HEARN
12 W. JOSEPH ANDERSON
13 Attorneys for Plaintiff MBL, Inc.

14 DATED: January 5, 2011

WOLKIN, CURRAN, LLP

15 By: 
16 BRANDT WOLKIN
17 JENNIFER L. ELOWSKY
18 Attorneys for Defendant ACE
19 PROPERTY & CASUALTY
20 INSURANCE COMPANY f/k/a CIGNA
21 PROPERTY & CASUALTY
22 INSURANCE COMPANY f/k/a AETNA
23 INSURANCE COMPANY
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HAMRICK & EVANS, LLP


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~~PROPOSED~~ ORDER

Good cause appearing therefore, this case is dismissed in its entirety, with prejudice.

PURSUANT TO STIPULATION, IT IS SO ORDERED

1/5/12
DATE


HON. RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE