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 6 INSURANCE COMPANY and CONTINENTAL CASUALTY COMPANY

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 11 Attorneys for Defendant and Counter/Cross-Claimant ODYSSEY THERA, INC.

12 **IN THE UNITED STATES DISTRICT COURT FOR THE**  
 13 **NORTHERN DISTRICT OF CALIFORNIA**  
 14 **SAN FRANCISCO DIVISION**

15 VALLEY FORGE INSURANCE COMPANY )	Civil Action No. C-12-00227-JSW
16 and CONTINENTAL CASUALTY COMPANY, )	
17 Plaintiffs, )	<b>STIPULATION AND [PROPOSED]</b>
18 vs. )	<b>ORDER OF DISMISSAL</b>
19 ODYSSEY THERA, INC., )	(Assigned to the Honorable Jeffrey S.
20 Defendant. )	White)

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21 ODYSSEY THERA, INC., )  
 22 Counter/Cross- )  
 23 Claimant, )  
 24 vs. )  
 25 VALLEY FORGE INSURANCE COMPANY, )  
 26 CONTINENTAL CASUALTY COMPANY and )  
 SCOTTSDALE INSURANCE COMPANY, )  
 27 Counter/Cross- )  
 28 Defendants. )

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1 TO THE COURT CLERK, ALL PARTIES AND THEIR COUNSEL:

2 IT IS HEREBY STIPULATED by and between plaintiffs/counter-defendants Valley Forge  
3 Insurance Company and Continental Casualty Company and defendant/counter-claimant Odyssey  
4 Thera, Inc., through their undersigned counsel, that the following be dismissed with prejudice: (1)  
5 the complaint filed by plaintiffs Valley Forge Insurance Company and Continental Casualty  
6 Company against defendant Odyssey Thera, Inc., and all claims and causes of action therein; and  
7 (2) Odyssey Thera, Inc.'s counter-claims against Valley Forge Insurance Company and Continental  
8 Casualty Company.

9 In accordance with the dismissal, plaintiffs Valley Forge Insurance Company and  
10 Continental Casualty Company withdraw the motion for partial summary judgment filed by  
11 Plaintiffs on June 8, 2012, pursuant to Local Rule 7-7(e).

12 This Stipulation shall have no effect on Odyssey Thera Inc.'s claims against Scottsdale  
13 Insurance Company. This Stipulation is made pursuant to the parties' Settlement Agreement. Each  
14 of the parties is to bear its own costs and attorney fees in the instant action.

15 DATED: July 10, 2012

COLLIAU CARLUCCIO KEENER MORROW PETERSON  
& PARSONS

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18 /s/ Robert Christensen  
19 ROBERT C. CHRISTENSEN  
20 Attorneys for Plaintiffs and Counter-Defendants  
21 VALLEY FORGE INSURANCE COMPANY and  
CONTINENTAL CASUALTY COMPANY

22 DATED: July 10, 2012

JONES DAY

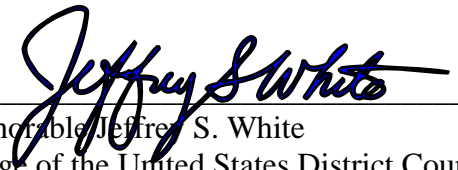
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24  
25 /s/ Raymond Sheen  
26 RAYMOND SHEEN  
27 Attorneys for Defendant and Counter/Cross-Claimant  
28 ODYSSEY THERA, INC.

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~~PROPOSED~~ ORDER

Upon stipulation of the parties, and pursuant to Federal Rules of Civil Procedure, Rule 41(a), IT IS HEREBY ORDERED that the following are dismissed with prejudice: (1) the complaint filed by plaintiffs Valley Forge Insurance Company and Continental Casualty Company against defendant Odyssey Thera, Inc., and all causes of action therein; and (2) Odyssey Thera, Inc.'s counter-claims against Valley Forge Insurance Company and Continental Casualty Company. In accordance with the dismissal, the motion for partial summary judgment filed by plaintiffs Valley Forge Insurance Company and Continental Casualty Company is hereby withdrawn.

Dated: July 11, 2012

  
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Honorable Jeffrey S. White  
Judge of the United States District Court for the  
Northern District of California