

1 **THE AGUILERA LAW GROUP, APLC**

2 A. Eric Aguilera (SBN 192390)
3 Kimberly R. Arnal (SBN 200448)
4 650 Town Center Drive, Suite 100
5 Costa Mesa, CA 92626
6 T: 714.384.6600 / F: 714.384.6601
7 eaguilera@aguileragroup.com
8 karnal@aguileragroup.com

9 Attorneys for Plaintiff,
10 ST. PAUL MERCURY INSURANCE COMPANY

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

13 ST. PAUL MERCURY INSURANCE
14 COMPANY, a Minnesota corporation,

15 Plaintiff,

16 v.

17 AMERICAN SAFETY INDEMNITY
18 COMPANY, an Oklahoma corporation;
19 ARCH SPECIALTY INSURANCE
20 COMPANY, a Nebraska corporation;
21 FIRST SPECIALTY INSURANCE
22 CORPORATION, a Missouri
23 corporation; GOLDEN BEAR
24 INSURANCE COMPANY, a
25 California corporation; LAKES AT
26 FOUNTAINGROVE, LLC, a Delaware
27 limited liability company;
28 LEXINGTON INSURANCE
COMPANY, a Delaware corporation;
LIBERTY MUTUAL INSURANCE
COMPANY, a Massachusetts
corporation; MT. HAWLEY
INSURANCE COMPANY, an Illinois
corporation; NATIONAL UNION
FIRE INSURANCE COMPANY OF
PITTSBURGH, PA, a Pennsylvania
corporation; NAUTILUS
INSURANCE COMPANY, an Arizona
corporation; NORTHERN

Case No. CV 13-01082 EMC
[Hon. Edward M. Chen]

**STIPULATION TO VOLUNTARILY
DISMISS; [~~PROPOSED~~] ORDER**

1 INSURANCE COMPANY OF NEW
2 YORK, a New York corporation;
3 PROBUILDERS SPECIALTY
4 INSURANCE COMPANY, RRG, A
5 RISK RETENTION GROUP, a District
6 of Colombia corporation; STRS OHIO
7 CA REAL ESTATE INVESTMENT I,
8 LLC, a Delaware limited liability
9 company; TRP-SANTA ROSA 103
10 LAKES, LLC, a California limited
11 liability company; ZURICH
12 AMERICAN INSURANCE
13 COMPANY, a New York corporation;
14 and DOES 1-1000, inclusive,

Defendants.

11 **WHEREAS**, Plaintiff St. Paul Fire Mercury Insurance Company (“St. Paul”) wishes to dismiss, without prejudice, defendant National Union Fire Insurance Company of Pittsburgh, PA (“National Union”).

12 **WHEREAS**, defendants Maryland Casualty Company, Northern Insurance Company of New York, Zurich Insurance Company, American Safety Indemnity Company, Arch Specialty Insurance Company, First Specialty Insurance Corporation, Probuilders Specialty Insurance Company, RRG, Lexington Insurance Company, National Union Fire Insurance Company of Pittsburgh, PA, Golden Bear Insurance Company, Maryland Casualty Company, Mt. Hawley Insurance Company, and Nautilus Insurance Company have appeared in the present action.

13 **WHEREAS**, the appearing defendants are amenable to St. Paul dismissing without prejudice National Union from the present action;

14 **IT IS HEREBY STIPULATED** by and between St. Paul and defendants who have appeared in this action, by and through their designated counsel, that defendant National Union is hereby dismissed without prejudice pursuant to FRCP Rule 41(a)(1). National Union and St. Paul further agree to waive any claim for costs each might have associated with the present action.

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1 Dated: December 6, 2013

THE AGUILERA LAW GROUP, APLC

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/s/ Kimberly R. Arnal

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A. Eric Aguilera
Kimberly A. Arnal, Esq.
Attorneys for Plaintiff,
ST. PAUL MERCURY INSURANCE COMPANY

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7 Dated: December 6, 2013

BOORNAZIAN, JENSEN & GARTHE

8

9

/s/ Alan E. Swerdlow

10

Alan E. Swerdlow
Attorneys for Defendant,
AMERICAN SAFETY INDEMNITY COMPANY

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12

13 Dated: December 6, 2013

CRESSWELL, ECHEGUREN, RODGERS & HARVEY

14

15

16

/s/ Matthew S. Harvey

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Ronald D. Echeguren
Matthew S. Harvey
Attorneys for Defendant, FIRST SPECIALTY
INSURANCE CORPORATION

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19

20 Dated: December 6, 2013

SELVIN WRAITH HALMAN LLP

21

22

/s/ Hillary C. Agnost

23

Hillary C. Agnost
Gary R. Selvin
Attorneys for Defendants, LEXINGTON
INSURANCE COMPANY and NATIONAL UNION
FIRE INSURANCE COMPANY OF PITTSBURGH,
PA

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1 Dated: December 6, 2013

SINNOTT, PUEBLA, CAMPAGNE & CURET

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/s/ Randy M. Marmor

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Randy M. Marmor

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Attorney for Defendants, MARYLAND CASUALTY
COMPANY, NORTHERN INSURANCE
COMPANY OF NEW YORK, and ZURICH
AMERICAN INSURANCE COMPANY

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8 Dated: December 6, 2013

FOLEY & LARDNER LLP

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/s/ Nicholas P. Honkamp

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Eileen R. Ridley

12

Patrick T. Wong

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Nicholas P. Honkamp

14

Attorneys for Defendant, ARCH SPECIALTY
INSURANCE COMPANY

15 Dated: December 6, 2013

BRANSON, BRINKOP, GRIFFITH & STRONG

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/s/ Geoffrey Hutchinson

18

John R. Campo

19

David P. McDonough

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Geoffrey Hutchinson

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Attorneys for Defendant, PROBUILDERS
SPECIALTY INSURANCE CORPORATION, RRG

22 Dated: December 6, 2013

YARON & ASSOCIATES

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/s/ D. David Steele

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D. David Steele

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George D. Yaron

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James I. Silverstein

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Attorneys for Defendant, GOLDEN BEAR
INSURANCE CORPORATION

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Dated: December 6, 2013

MORISON & PROUGH, LLP

/s/ Jon Adams

William C. Morison
Michael D. Prough
Jon Adams
Attorneys for Defendant, MT. HAWLEY
INSURANCE COMPANY

Dated: December 6, 2013

SELMAN BREITMAN LLP

/s/ Elizabeth M. D'Agostino

Elisabeth M. D'Agostino
Attorneys for Defendant, NAUTILUS
INSURANCE COMPANY

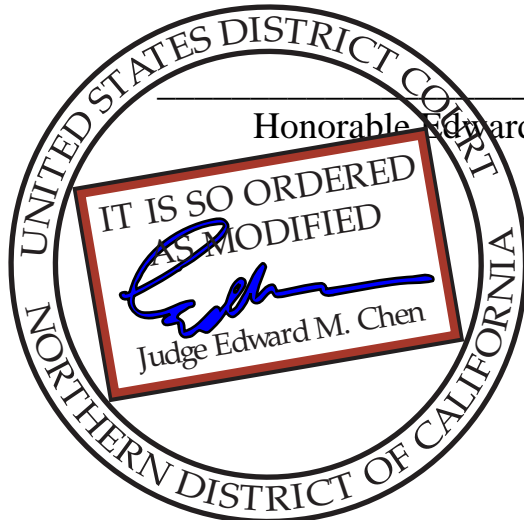
[~~PROPOSED~~] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED,

The 1/23/14 hearing
on National Union's
MSJ is vacated.

DATED: 12/10/13

Honorable Edward M. Chen



PROOF OF SERVICE

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STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 700 S. Flower St., Ste. 3350, Los Angeles, California 90017.

On December 9, 2013, I served the foregoing document described as: **STIPULATION TO VOLUNTARILY DISMISS; [PROPOSED] ORDER** on the interested parties in this action.

BY U.S. MAIL

*I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under the practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage date is more than 1 day after date of deposit for mailing in affidavit.

BY ELECTRONIC SERVICE VIA ECF I transmitted a true copy of the above entitled document(s) to CM/ECF for filing and service on all parties.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on December 9, 2013 at Los Angeles, California.

/s/ Judy Jaramillo
Judy Jaramillo