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 North American Title Insurance Company

7 UNITED STATES DISTRICT COURT  
 8  
 9 NORTHERN DISTRICT OF CALIFORNIA

10	RONALD PADILLA,	)	CASE NO.: 3:13-cv-02241-MMC
11	Plaintiff,	)	
12	vs.	)	STIPULATION OF VOLUNTARY
13		)	DISMISSAL OF DEFENDANT NORTH
14	BANK OF AMERICA, N.A., et al.,	)	AMERICAN TITLE INSURANCE
15	Defendants.	)	COMPANY;
16		)	AND
17		)	
18		)	<del>PROPOSED</del> ORDER
19		)	
20		)	
21		)	

22 The below-identified parties, by and through their counsel of record, submit the  
 23 following Recitals, Stipulation, and proposed form of Order pursuant to Local Rule 7-12,  
 24 31 U.S.C. section 3730(b)(1), and F.R.C.P. Rule 41(a)(1)(A)(i).

25 RECITALS

26 WHEREAS, Plaintiff RONALD PADILLA (“Plaintiff”) filed the instant *qui tam* action  
 27 on May 16, 2013;

1           WHEREAS, subject to any applicable federal statute, under F.R.C.P. Rule 41 subsection  
2 (a)(1)(A)(i), a plaintiff may voluntarily dismiss a defendant by filing a notice of dismissal before  
3 the defendant serves either an answer or a motion for summary judgment;

4           WHEREAS, Defendant North American Title Insurance Company ("NATIC") has not  
5 filed an answer to or motion for summary judgment concerning either the Complaint or the First  
6 Amended Complaint on file in the above-captioned action;

7           WHEREAS, the United States of America filed on August 22, 2013 its Notice of Election  
8 to Decline Intervention (the "Notice") (Docket No. 9), which provides in pertinent part that  
9 pursuant to 31 U.S.C. section 3730(b)(1), claims asserted in the *qui tam* "action may be  
10 dismissed only if the court and the Attorney General give written consent to the dismissal and  
11 their reasons for consenting";

12           WHEREAS, NATIC is not named as a defendant in Plaintiff's First Amended Complaint  
13 filed on January 24, 2014 and Plaintiff makes no charging allegations against it;


14           WHEREAS, though named as a defendant in the original Complaint, Plaintiff's charging  
15 allegations did not include any against NATIC, said allegations were instead directed to various  
16 lenders, and NATIC is a title insurer (not a lender);

17           THEREFORE, the parties identified herein, by and through their counsel of record,  
18 stipulate pursuant to 31 U.S.C. section 3730(b)(1) and F.R.C.P. Rule 41(a)(1)(A)(i) to entry of an  
19 order providing that:

- 20           1. Defendant NATIC is hereby dismissed from the above-captioned action, without  
21           prejudice to Plaintiff or to the United States of America.

22           **IT IS SO AGREED:**

23  
24 Dated: January 31, 2014

  
\_\_\_\_\_  
Yelena Gurevich Esq.  
CONSUMER ACTION LAW GROUP, P.C.  
Attorneys for Plaintiff RONALD PADILLA

1  
2 Dated: January 27, 2014


/s/ William S. Fiske  
3 William S. Fiske, Esq.  
4 Attorneys for Defendant NORTH AMERICAN  
5 TITLE INSURANCE COMPANY

6  
7 UNITED STATES' CONSENT TO DISMISSAL

8 Pursuant to 31 U.S.C. § 3730(b)(1), the United States of America, through its  
9 undersigned counsel, hereby consents to the dismissal of Defendant NATIC from the above-  
10 captioned action, provided such dismissal is without prejudice to the United States.

11 MELINDA HAAG  
12 United States Attorney

13  
14 Dated: February 3, 2013

By:   
DOUGLAS K. CHANG  
15 Assistant United States Attorney


16  
17  
18 ~~PROPOSED~~ ORDER

19 Pursuant to the Stipulation between Plaintiff Ronald Padilla and Defendant NATIC, and  
20 in accordance with the United States of America's consent to the dismissal of Defendant NATIC  
21 so long as such dismissal is without prejudice to the United States,

22 IT IS HEREBY ORDERED that Defendant NATIC is dismissed from the above-  
23 captioned action without prejudice to Plaintiff Ronald Padilla or the United States of America.

24  
25 IT IS SO ORDERED.

26 Dated: February 7, 2014

  
27 MAXINE M. CHESNEY  
28 United States District Judge