

1 James D. Curran, Esq. (SBN 126586)  
 Wolkin · Curran, LLP  
 2 555 Montgomery Street, Suite 1100  
 San Francisco, California 94111  
 3 Telephone: (415) 982-9390  
 Facsimile: (415) 982-4328  
 4 E-mail: JCurran@WolkinCurran.com  
 5 Attorneys for Plaintiff  
 The Ohio Casualty Insurance Company  
 6  
 7

8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**  
 10 **SAN FRANCISCO DIVISION**  
 11

12 THE OHIO CASUALTY INSURANCE  
 COMPANY, a Ohio corporation,

13 Plaintiff,

14 v.

15 BRUCE CARONE GRADING &  
 16 PAVING, INC., a California corporation;  
 BRUCE CARONE, an individual; and  
 17 DONNA CARONE, an individual,

18 Defendants.  
 19  
 20  
 21

Case No.: 14-cv-00615 JST

**STIPULATION OF DISMISSAL  
 WITHOUT PREJUDICE AND  
~~PROPOSED~~ ORDER**

**FRCP 41(a)(1)(ii).**

22 Plaintiff THE OHIO CASUALTY INSURANCE COMPANY (“Ohio Casualty”) on  
 23 the one hand, and Defendants BRUCE CARONE GRADING & PAVING, INC., BRUCE  
 24 CARONE, and DONNA CARONE (individual and collectively, “Defendants”) on the other  
 25 hand, by and through their respective attorneys in the above-captioned lawsuit, agree and  
 26 stipulate as follows:

- 27 1) the entire lawsuit be dismissed without prejudice pursuant to Federal Rules of  
 28 Civil Procedure 41(a)(1)(ii); and

1.

STIPULATION OF DISMISSAL WITHOUT PREJUDICE AND  
~~PROPOSED~~ ORDER

CASE NO. 14-cv-00615-JST

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

2) the dismissal without prejudice shall not affect, impair or bar Ohio Casualty's rights to bring any action against any of the Defendants at any later time.

**IT IS SO STIPULATED.**

Dated: ~~February~~ <sup>March</sup> 6, 2014

WOLKIN • CURRAN, LLP

By:

  
James D. Curran  
Attorneys for Plaintiff  
THE OHIO CASUALTY INSURANCE COMPANY

Dated: ~~February~~ <sup>MARCH</sup> 5, 2014

MCINERNEY & DILLON

By:

  
William H. McInerney, Jr.  
Attorneys for  
Bruce Carone Grading & Paving, Inc.,  
Bruce Carone, and Donna Carone

**~~PROPOSED~~ ORDER**

**PURSUANT TO STIPULATION, IT IS HEREBY ORDERED** that:

- 1) the entire lawsuit be dismissed without prejudice pursuant to Federal Rules of Civil Procedure 41(a)(1)(ii); and
- 2) the dismissal without prejudice shall not affect, impair or bar Ohio Casualty's rights to bring any action against any of the Defendants at any later time.

**IT IS SO ORDERED.**

Dated: March 7, 2014

