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19 **UNITED STATES DISTRICT COURT**  
 20 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

21 KELLY-MOORE PAINT COMPANY, INC.,

22 Plaintiff,

23 v.

24 NATIONAL UNION FIRE INSURANCE  
 25 COMPANY OF PITTSBURGH, PA,

26 Defendant.  
 27  
 28

Case No. 3:14-CV-01797-MEJ

**STIPULATION OF DISMISSAL AND  
~~[PROPOSED]~~ ORDER**

1 NATIONAL UNION FIRE INSURANCE  
2 COMPANY OF PITTSBURGH, PA,

3 Counterclaimant,

4 v.

5 KELLY-MOORE PAINT COMPANY, INC.,

6 Counter-defendant.  
7

8  
9 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff and Counter-  
10 defendant KELLY-MOORE PAINT COMPANY, INC. (“Kelly-Moore”) and Defendant and  
11 Counterclaimant NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH,  
12 PA (“National Union”) hereby stipulate and agree as follows:

13 WHEREAS, on March 20, 2014, Kelly-Moore filed a Complaint in the Superior  
14 Court in the State of California for the County of San Mateo, titled *Kelly-Moore Paint*  
15 *Company, Inc. v. National Union Fire Insurance Company of Pittsburgh, PA, et al.*, Case  
16 No. CIV-527420 (the “Action”);

17 WHEREAS, the Action was moved to this Court pursuant to a Notice of Removal  
18 of Civil Action filed by National Union on April 18, 2014;

19 WHEREAS, on November 10, 2014, National Union filed a Revised  
20 Counterclaim;

21 WHEREAS, Kelly-Moore and National Union settled this Action on February 20,  
22 2015;

23 WHEREAS, a Notice of Settlement was filed on February 23, 2015;

24 **NOW, THEREFORE**, Kelly-Moore and National Union jointly request and  
25 stipulate to the entry of an Order providing that:

26 1. All claims asserted by Kelly-Moore against National Union and all  
27 counterclaims asserted by National Union against Kelly-Moore are dismissed with  
28 prejudice; and

1           2.     Each of the parties shall bear its own costs, expenses, and attorneys' fees  
2 associated with the prosecution and defense of this Action.

3           IT IS SO STIPULATED

4 Dated: May 8, 2015

PILLSBURY & COLEMAN, LLP

6 By: /s/ Philip L. Pillsbury, Jr.

7 Philip L. Pillsbury, Jr.  
8 Ingrid S. Leverett  
9 Attorneys for Plaintiff and Counter-  
10 defendant  
11 KELLY-MOORE PAINT COMPANY, INC.

11 Dated: May 8, 2015

LEE LAW OFFICES

13 By: /s/ Monika Pleyer Lee

14 Monika Pleyer Lee  
15 Attorneys for Plaintiff and Counter-  
16 defendant  
17 KELLY-MOORE PAINT COMPANY, INC

17 Dated: May 8, 2015


NICOLAIDES FINK THORPE  
MICHAELIDES SULLIVAN LLP

19 By: /s/ Sara M. Thorpe

20 Sara M. Thorpe  
21 Gary A. Barrera  
22 Attorneys for Defendant and  
23 Counterclaimant  
24 NATIONAL UNION FIRE INSURANCE  
25 COMPANY OF PITTSBURGH, PA

24           IT IS SO ORDERED

25 Dated: May 8, 2015

  
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26 Hon. Maria-Elena James  
27 Magistrate Judge of the Northern District of  
28 California