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7 Attorneys for Defendants and Counterclaimants  
 8 GREAT AMERICAN INSURANCE  
 COMPANY, GREAT AMERICAN INSURANCE  
 9 COMPANY OF NEW YORK, and Defendant GREAT  
 AMERICAN INSURANCE GROUP

11 **IN THE UNITED STATES DISTRICT COURT**  
 12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14 THE CITY OF HALF MOON BAY,  
 15 Plaintiff,

16 v.

17 GREAT AMERICAN INSURANCE  
 COMPANY, GREAT AMERICAN  
 18 INSURANCE GROUP, AMERICAN  
 NATIONAL FIRE INSURANCE COMPANY,  
 19 THE HARTFORD FINANCIAL SERVICES  
 GROUP, INC., TWIN CITY FIRE  
 20 INSURANCE COMPANY, and DOES 1-50.,  
 21 Defendant.

Case No.: 3:15-cv-04500-RS

**STIPULATION AND ~~[PROPOSED]~~  
 ORDER RE: DISMISSAL OF ALL  
 CLAIMS AGAINST GREAT  
 AMERICAN INSURANCE COMPANY,  
 GREAT AMERICAN INSURANCE  
 COMPANY OF NEW YORK AND  
 GREAT AMERICAN INSURANCE  
 GROUP AND DISMISSAL OF  
 ALL RELATED COUNTERCLAIMS**

Judge: The Hon. Richard Seeborg  
 Complaint Filed: July 2, 2015

22 AND RELATED COUNTERCLAIM  
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24 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and Counter-  
 25 defendant City of Half Moon Bay (the "City") and Defendants and Counterclaimants Great  
 26 American Insurance Company and Great American Insurance Company of New York (formerly  
 27 known as American National Fire Insurance Company) (collectively, "Great American"), by and  
 28 through their attorneys of record, as follows:

CASE NO.: 3:15-CV-04500-RS

**STIPULATION AND [PROPOSED] ORDER RE: DISMISSAL OF ALL CLAIMS  
 AGAINST GREAT AMERICAN AND RELATED COUNTERCLAIMS**

1           1.       The City’s complaint in this case (the “Complaint”) names “Great American  
2 Insurance Group” as a defendant. Great American contends that is a misnomer, as “Great American  
3 Insurance Group” is a fictitious name that is used to refer to certain affiliated insurance companies,  
4 and that “Great American Insurance Group” is not an entity and does not transact business. The City  
5 does not stipulate to Great American’s contentions set out in this Paragraph 1, but nevertheless  
6 agrees to dismiss all claims pled in its Complaint against “Great American Insurance Group” on the  
7 same terms set out in Paragraph 2 with respect to Great American Insurance Company and Great  
8 American Insurance Company of New York.

9           2.       The City agrees to **DISMISS WITHOUT PREJUDICE** all claims pled in its  
10 Complaint against Great American Insurance Company and Great American Insurance Company of  
11 New York (previously collectively defined as “Great American”). Accordingly, the City has no  
12 remaining claims against Great American in this action.

13           3.       With respect to the claims pled in Great American’s counterclaim, Great American  
14 agrees to **DISMISS WITHOUT PREJUDICE** its counterclaims against the City.

15           4.       The City and Great American agree that each of them shall bear their own fees and  
16 costs of suit.

17           IT IS SO STIPULATED

18           Dated: \_September 30, 2016

**DUANE MORRIS LLP**

19  
20           By:           /s/William J. Baron          

William J. Baron (SBN 111288)

Colleen A. Cassidy (SBN 148357)

Amanda Graham (SBN 303396)

Attorneys for Defendants and Counterclaimants

GREAT AMERICAN INSURANCE

COMPANY, GREAT AMERICAN INSURANCE

COMPANY OF NEW YORK, and GREAT

AMERICAN INSURANCE GROUP

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25           Dated: \_ September 30, 2016

**GIBBONS & CONLEY**

26           By:           /s/ Peter A. Urhausen          

A. Byrne Conley, Esq.

Peter A. Urhausen, Esq.

Attorneys for Plaintiff and Counterdefendant

CITY OF HALF MOON BAY

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CASE NO.: 3:15-CV-04500-RS

**STIPULATION AND [PROPOSED] ORDER RE: DISMISSAL OF ALL CLAIMS  
AGAINST GREAT AMERICAN AND RELATED COUNTERCLAIMS**

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ATTESTATION: Pursuant to Civil L.R. 5-1(i)(3), the filer attests that concurrence in the filing of this document has been obtained from each of the other signatories thereto.

1 **[PROPOSED] ORDER**

2 Having considered the above Stipulation regarding the agreement between the parties and  
3 finding good cause, the Court hereby adopts the terms of the Stipulation as the order of this Court.

4 All claims alleged in this action by the plaintiff City of Half Moon Bay against defendants Great  
5 American Insurance Company, Great American Insurance Company of New York (formerly known  
6 as American National Fire Insurance Company), and Great American Insurance Group, as well as all  
7 related counterclaims, are dismissed according to the terms set out in the Stipulation. Specifically:

8 All claims pled in the City's Complaint against Great American Insurance Company, Great  
9 American Insurance Company of New York, and Great American Insurance Group are  
10 **DISMISSED WITHOUT PREJUDICE**. Accordingly, the City has no remaining claims against  
11 Great American in this action.

12 The claims pled in the Counterclaim filed by Great American Insurance Company and Great  
13 American Insurance Company of New York are **DISMISSED WITHOUT PREJUDICE**.

14 As between the City, Great American Insurance Company, Great American Insurance  
15 Company of New York, and Great American Insurance Group, each party shall bear its own  
16 attorneys' fees and costs of suit.

17 IT IS SO ORDERED.

18  
19 Dated: 10/4/16

  
20 THE HONORABLE RICHARD SEEBORG  
21 JUDGE OF THE U.S. DISTRICT COURT  
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