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8 STATE FARM GENERAL INSURANCE COMPANY and  
STATE FARM FIRE AND CASUALTY COMPANY

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13 Attorney for Plaintiffs  
14 GARY and NANCY DEFRATUS

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA

17 GARY DeFRATUS, NANCY DeFRATUS,  
18 Plaintiffs,

19 v.

20 STATE FARM GENERAL INSURANCE  
COMPANY; STATE FARM FIRE AND  
21 CASUALTY COMPANY; and DOES 1-50,  
Inclusive,

22 Defendants.

CASE NO. 3:22-cv-04099 TLT

**STIPULATION OF DISMISSAL;**  
**~~PROPOSED~~ ORDER**  
**[Fed. Rule Civ. Proc., Rule 41(a)(2)]**

Defendants of et al v. State Farm General Insurance Company et al

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1 IT IS HEREBY STIPULATED by plaintiffs Gary DeFratus and Nancy DeFratus by and  
2 through their attorneys of record, Stephen G. Opperwall, Esq. of the Law Offices of Stephen G.  
3 Opperwall, and defendant State Farm General Insurance Company through their attorney of record  
4 Stephen P. Ellingson, Esq. of Hayes Scott Bonino Ellingson & Guslani LLP, that the above-  
5 captioned action be, and hereby is, DISMISSED subject to conditions pursuant to Federal Rules of  
6 Civil Procedure, rule 41(a)(2). Each party to bear its own costs, attorney fees, liens and other  
7 repayment obligations.

- 8 1. Plaintiffs' claim for breach of contract shall be dismissed without prejudice, subject to the  
9 conditions set forth herein.
- 10 2. Plaintiffs' claims for breach of the implied covenant of good faith and fair dealing and  
11 Unfair Insurance Practices shall be dismissed with prejudice;
- 12 3. State Farm Fire and Casualty Company shall be dismissed with prejudice;
- 13 4. If plaintiffs re-file a lawsuit as to any claims that arise out of or are related to any of the  
14 facts or circumstances at issue in the instant lawsuit (hereinafter "New Lawsuit"), such New  
15 Lawsuit shall allege only breach of contract and shall be filed in the United States District  
16 Court for the Northern District of California;
- 17 5. Plaintiffs shall not challenge federal court jurisdiction in the New Lawsuit; and
- 18 6. Any New Lawsuit shall name only State Farm General Insurance Company and no new  
19 parties, including but not limited to any State Farm sales agents or claim handling  
20 personnel.

21 Dated: November 9, 2023

HAYES SCOTT BONINO  
ELLINGSON & GUSLANI LLP

23 By: /s/ Stephen P. Ellingson

24 STEPHEN M. HAYES  
25 STEPHEN P. ELLINGSON  
26 JAMIE A. RADACK  
27 Attorneys for Defendants  
28 STATE FARM GENERAL INSURANCE  
COMPANY AND STATE FARM FIRE AND  
CASUALTY INSURANCE COMPANY

1 Dated: November 9, 2023

LAW OFFICES OF STEPHEN G. OPPERWALL

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By: /s/ Stephen G. Opperwall

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STEPHEN G. OPPERWALL

Attorney for Plaintiffs

GARY and NANCY DEFRATUS

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~~PROPOSED~~ ORDER

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Pursuant to the parties' stipulation, the Court hereby orders as follows:

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7. Plaintiffs' claim for breach of contract is hereby dismissed without prejudice, subject to the conditions set forth below;

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8. Plaintiffs' claims for breach of the implied covenant of good faith and fair dealing and Unfair Insurance Practices are hereby dismissed with prejudice;

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9. State Farm Fire and Casualty Company hereby is dismissed with prejudice;

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10. If plaintiffs re-file a lawsuit alleging any claims that arise out of or are related to any of the facts, circumstances or claims at issue in the instant lawsuit (hereinafter "New Lawsuit"), such New Lawsuit shall be filed in the United States District Court for the Northern District of California;

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11. Plaintiffs shall not challenge federal court jurisdiction in the New Lawsuit; and

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12. Any New Lawsuit shall name only State Farm General Insurance Company and no new parties, including but not limited to any State Farm sales agents or claim handling personnel.

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Dated: November 9, 2023

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Dated: November 13, 2023



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HONORABLE TRINA L. THOMPSON  
UNITED STATES DISTRICT JUDGE FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

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