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WILSON, KENNA & BORYS

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 Insurance Company, as successor in interest to
 6 Underwriters Insurance Company
 7

8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10

11 NORTH AMERICAN CAPACITY)
 INSURANCE COMPANY, as successor)
 12 in interest to UNDERWRITERS)
 INSURANCE COMPANY,)

CASE NO. C 03-05521 SBA
 [Assigned to the Honorable Sandra B.
 Armstrong]

13 Plaintiff,

14 v.

15 TURNER CONSTRUCTION COMPANY, a)
 16 corporation; JAMES E. ROBERTS-)
 OBAYASHI CORPORATION; WILLIAM)
 17 LYON HOMES, INC., a corporation;)
 18 DAME CONSTRUCTION CO., INC., a)
 corporation; GONSALVES &)
 19 SANTUCCI, d/b/a CONCO CEMENT)
 COMPANY; EMPLOYERS INSURANCE OF)
 20 WAUSAU, a corporation; NATIONAL)
 UNION FIRE INSURANCE CO., a)
 21 corporation; AMERICAN)
 INTERNATIONAL SURPLUS LINES, a)
 22 corporation; NATIONAL UNION FIRE)
 INSURANCE CO., a corporation;)
 23 ZURICH AMERICAN INSURANCE)
 COMPANY, a corporation; AMERICAN)
 24 INTERNATIONAL SPECIALTY LINES, a)
 corporation; and DOES 1 THROUGH)
 25 10, Inclusive,)

**STIPULATION AND ORDER OF
 DISMISSAL PURSUANT TO FED. R.
 CIV. PROC. 41(a)(1)**


26 Defendants.
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 28

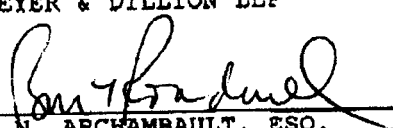
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STIPULATION AND ORDER OF DISMISSAL PURSUANT TO FED. R. CIV. PROC. 41(a)(1)(ii)

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1 IT IS HEREBY STIPULATED by and between Plaintiff NORTH
2 AMERICAN CAPACITY INSURANCE COMPANY ("NAC") and Defendant WILLIAM
3 LYON HOMES, INC. ("WLH") by and through their undersigned counsel
4 that the complaint of NAC, and all related causes of action,
5 against WLH are hereby dismissed with prejudice pursuant to
6 Federal Rule of Civil Procedure, Rule 41(a)(1) as a result of a
7 settlement reached between the parties, each side to bear their
8 own fees and costs herein.
9

10 DATED: June 22, 2005 WILSON, KENNA & BORYS LLP
11
12 By: 
13 TIMOTHY W. KENNA
14 CARLO RAZO
15 Attorneys for Plaintiff North
16 American Casualty Insurance
17 Company, as successor in
18 interest to Underwriters
19 Insurance Company

17 DATED: July 20, 2005 NEWMEYER & DILLION LLP
18
19 By: 
20 REED N. ARCHAMBAULT, ESQ.
21 BONNIE ROADARMEL, ESQ.
22 Attorneys for Defendant William
23 Lyon Homes, Inc.

23 IT IS SO ORDERED:
24 DATED: 7/26/05
25
26 By: /s/ Sandra Brown Armstrong
27 Honorable Judge
28 Sandra B. Armstrong



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STIPULATION AND ORDER OF DISMISSAL PURSUANT TO FED. R. CIV. PROC. 41(a)(1)(ii)