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(SPACE BELOW FOR FILING STAMP ONLY)

Attorneys for Plaintiff
ALLSTATE INDEMNITY COMPANY, an Illinois
corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALLSTATE INDEMNITY COMPANY,
an Illinois corporation,

Plaintiff,

v.

STEVEN J. JACKSON, JR., an individual,
FLORENCE FITZGERALD, an
individual,

Defendants.

Case No. C 08 0269 JL CW

**STIPULATION OF DISMISSAL WITH
PREJUDICE**

[Fed. R. Civ. Proc. 41(a)(1)(ii)]

IT IS HEREBY STIPULATED by and between plaintiff Allstate Indemnity Company ("Allstate") and defendant FLORENCE FITZGERALD ("Defendant"), by and through their respective counsel of record, that the action styled "Allstate Indemnity Company v. Steven J. Jackson, Jr. et al." (Case No. C 08 0269 JL) is dismissed with prejudice pursuant to the provisions of F.R.C.P. 41(a)(1)(ii), each side to bear its own attorneys fees and costs. Defendant STEVEN JACKSON was served by publication in this action, but never made an appearance. As such, consistent with F.R.C.P. 91(a)(1)(ii), he is not a party to this Stipulation.

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Dated: October 1, 2008

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

By: /s/ Paul J. O'Rourke, Jr.
Paul J. O'Rourke, Jr.
Brandon M. Fish
Attorneys for Plaintiffs
ALLSTATE INDEMNITY COMPANY,
an Illinois corporation

Dated: October 1, 2008

By: /s/ Steven R. Jacobsen
Steven R. Jacobsen
Attorney for Defendant
FLORENCE FITZGERALD

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