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18 **UNITED STATES DISTRICT COURT**
 19 **NORTHERN DISTRICT OF CALIFORNIA**
 20 **OAKLAND DIVISION**

21 SILGAN CONTAINERS CORPORATION,

22 Plaintiff,

23 vs.

24 NATIONAL UNION FIRE INSURANCE
 COMPANY OF PITTSBURGH, PA., and
 25 ZURICH AMERICAN INSURANCE
 COMPANY,

26 Defendants.

Civil Action No. 4:08-cv-2246 (PJH)

[PROPOSED] ORDER OF DISMISSAL

Hearing Date: April 15, 2010
Hearing Time: 2:00 p.m.
Courtroom: 3

Honorable Phyllis J. Hamilton
United States District Judge

1 Upon consideration of the parties' Joint Motion Regarding the Remaining Claims of
2 Plaintiff Silgan Containers Corporation ("Silgan") and to Strike the Case Management Conference
3 and Excuse Filing of Supplemental Joint Case Management Statement, the Court hereby strikes
4 the April 15, 2010 case management conference from the calendar and excuses the parties' filing
5 of a supplemental joint case management statement.

6 Because the Court's entry of partial summary judgment finding that defendant National
7 Union Fire Insurance Company of Pittsburgh, Pa. had no legal duty to pay for the underlying Del
8 Monte fruit cup claim also bars Silgan's remaining "bad faith" claims (Counts One, Three and
9 Four), the Court hereby dismisses Silgan's remaining claims with prejudice and directs the Clerk
10 of the Court to enter final judgment.

11 So Ordered.

12 Dated: April 9, 2010



Honorable Phyllis J. Hamilton
United States District Judge

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