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 11 Attorneys for Claimant
 JAMES ANTHONY BILLER

12 **THE UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**
 14 **(OAKLAND DIVISION)**

15	IN RE COMPLAINT OF TAURUS)	CASE NO.: CV 08 3195 PJH
	MARINE, INC. AS OWNERS AND/OR)	
16	OPERATORS OF THE TUG <i>TERILYN</i> HER)	STIPULATION AND [PROPOSED]
	ENGINES, TACKLE, APPURTENANCES)	ORDER REQUESTING DISMISSAL
17	IN A CAUSE OF EXONERATION FROM)	(WITH PREJUDICE) OF JAMES
	OR LIMITATION OF LIABILITY,)	ANTHONY BILLER'S CLAIMS
18)	FOR DAMAGES
	Petitioner,)	
19	v.)	(IN ADMIRALTY)
20	THE COUNTY OF MARIN, STATE OF)	FRCivP 41
	CALIFORNIA,)	
21	Claimant.)	Judge: Hon. Phyllis J. Hamilton
22)	Complaint Filed: 2 July 2008
23)	Trial Date: Vacated
24)	Next Court Date: 8 November 2012
25)	(Pretrial Conference)
26)	Location: Courtroom 3, 3rd Floor
)	(Oakland)

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1 TO THIS HONORABLE COURT AND TO ALL PARTIES AND THEIR
2 ATTORNEYS OF RECORD:
3 COMES NOW PETITIONER TAURUS MARINE, INC. AS OWNER OF THE
4 TUG *TERILYN*, HER ENGINES, TACKLE, APPURTENANCES (“petitioner”) and
5 CLAIMANT JAMES ANTHONY BILLER ("claimant") and files this " STIPULATION
6 AND [PROPOSED] ORDER REQUESTING DISMISSAL (WITH PREJUDICE) OF
7 JAMES ANTHONY BILLER'S CLAIMS FOR DAMAGES " as follows:

8 (1) Claimant Seaman James Anthony Biller is currently the only claimant
9 remaining in this limitation action and he has filed a bodily injury claim in this limitation
10 action that is related to *Terilyn* but not related to CK-7 or McNear's Pier (Doc#50). Mr.
11 Biller also filed a bodily injury lawsuit in the Northern District of California before the
12 Hon. Samuel Conti (entitled "James Anthony Biller v. *Terilyn*, its engines, tackle,
13 equipment, furnishings, and machinery, *in rem*, Westar Marine Services, a business entity
14 of unknown form, *in personam*, CV10 5731 (SC)" ("Biller Action")). Petitioner's
15 interests in the Biller Action were represented by different counsel than the undersigned.
16 The Biller Action settled (Biller Action Doc#67) and was dismissed with prejudice by
17 Judge Conti on 13 September 2012 (Biller Action Doc#70).

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(2) Petitioner and claimant Biller stipulate and agree, and hereby request that this Court Order, that claimant Biller hereby withdraws his claims and assertions made in this matter for bodily injury allegedly relating to *Terilyn* and occurring on 4 January 2008 in San Pablo Bay (Doc#50) and that claimant Biller be dismissed as a party to this limitation action litigation with prejudice, each party to bear its own legal fees and costs.

IT IS SO STIPULATED:

Dated: 2 October 2012

LAW OFFICES OF GEORGE W. NOWELL

By: /s/ John H. Cigavic III
GEORGE W. NOWELL
JOHN H. CIGAVIC III
Attorneys for petitioner
TAURUS MARINE, INC.

IT IS SO STIPULATED:

Dated: October 2, 2012

BIRNBERG & ASSOCIATES

By: /s/ Cory A. Birnberg
CORY A. BIRNBERG
Attorneys for claimant
JAMES ANTHONY BILLER

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[PROPOSED] ORDER

PURSUANT TO THE STIPULATION OF THE PARTIES, AS ABOVE, THE COURT HEREBY ORDERS that CLAIMANT JAMES ANTHONY BILLER's claims and assertions made in this matter for bodily injury allegedly relating to *Terilyn* and occurring on 4 January 2008 in San Pablo Bay (Doc#50) are withdrawn and that Mr. Biller is dismissed as a party to this limitation action litigation with prejudice, each party to bear their own legal fees and costs.

PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING, IT IS SO ORDERED:

Dated: October 2 2012 **UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

By: _____
PHYLLIS J. HAMILTON
UNITED STATES DISTRICT JUDGE


Prepared by:
Dated: 2 October 2012 **LAW OFFICES OF GEORGE W. NOWELL**

By: /s/ John H. Cigavic III
**GEORGE W. NOWELL
JOHN H. CIGAVIC III**
Attorneys for petitioner
TAURUS MARINE, INC.

Approved as to form:
Dated: October 2, 2012 **BIRNBERG & ASSOCIATES**

By: /s/ Cory A. Birnberg
CORY A. BIRNBERG
Attorneys for claimant
JAMES ANTHONY BILLER