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 10 Attorneys for Defendant David Bruntz

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 OAKLAND DIVISION  
 11 IN ADMIRALTY

12 IN THE MATTER OF IN RE: DAVID  
 13 BRUNTZ, as owner of a 2001 Twenty-foot  
 14 Sanger/Sangair, HIN No.  
 15 SANLX336G001, California Registration  
 16 No. CF 2094 PT, in a cause of action for  
 17 exoneration from or limitation of liability.  
 18  
 19 Petitioner.

CASE NO. C08-04613 SBA  
**STIPULATION AND ORDER RE  
 DISMISSAL OF CLAIM IN LIMITATION  
 ACTION**

18 Plaintiff Bruntz, the person having filed the present Limitation Action in the current  
 19 court, and claimant Thomas Fowlie, both having been fully advised by their counsel of record  
 20 herein, hereby stipulate, consent and agree to the following, so that the parties may avoid any  
 21 further litigation regarding the current Limitation Action, and stipulate as follows:

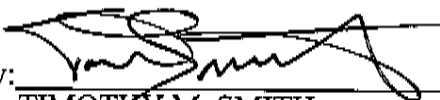
- 22 1. That there is a current Limitation Action pending before this court;
- 23 2. That it is stipulated and agreed by and between the undersigned parties that they  
 24 have settled and will dismiss the California Superior, County of Contra Costa, Action No. C08-  
 25 0252, filed by Thomas Fowlie, which suit constitutes a claim in the present Limitation Action;
- 26 3. That the undersigned parties stipulate and agree that, for the consideration of  
 27 \$500,000 paid on behalf of David Bruntz, that the claim by Thomas Fowlie in the herein  
 28 Limitation Action is settled and dismissed;but, the rights of other claimants is unaffected.

1           4.       That this court approves of the settlement and orders that, as respects to this  
 2 claimant, Thomas Fowlie, in the current Limitation Action, for himself, his agents, assigns, heirs,  
 3 predecessors-in-interest and successors-in-interest agree that the claim herein of Thomas Fowlie  
 4 in this current Limitation Action has been satisfied by the above-mentioned consideration.

5           It is so stipulated, consented and agreed:

6 Dated: 12/29, 2008

McKINLEY & SMITH  
A Professional Corporation

8  
 9 By:   
 10 TIMOTHY M. SMITH  
 Attorneys for Defendant  
 THOMAS FOWLIE


12 Dated: \_\_\_\_\_, 2008

SEDGWICK, DETERT, MORAN & ARNOLD LLP

14  
 15 By: \_\_\_\_\_  
 ROBERT N. BERG  
 Attorneys for Defendant  
 DAVID BRUNTZ

17 IT IS SO ORDERED.

19 Dated: 1/9/09 ~~XXXX~~

20   
 Honorable Sandra Armstrong  
 UNITED STATES DISTRICT COURT JUDGE  
 NORTHERN DISTRICT OF CALIFORNIA

1           4.       That this court approves of the settlement and orders that, as respects to this  
2 claimant, Thomas Fowlie, in the current Limitation Action, for himself, his agents, assigns, heirs,  
3 predecessors-in-interest and successors-in-interest agree that the claim herein of Thomas Fowlie  
4 in this current Limitation Action has been satisfied by the above-mentioned consideration.

5           It is so stipulated, consented and agreed:


6 Dated: \_\_\_\_\_, 2008

McKINLEY & SMITH  
A Professional Corporation

7  
8  
9 By: \_\_\_\_\_  
10 TIMOTHY M. SMITH  
11 Attorneys for Defendant  
12 THOMAS FOWLIE

13  
14 Dated: 12-24, 2008

SEDGWICK, DETERT, MORAN & ARNOLD LLP

15 By:   
16 ROBERT N. BERG  
17 Attorneys for Defendant  
18 DAVID BRUNTZ

19 IT IS SO ORDERED.

20 Dated: \_\_\_\_\_, 2008

21 \_\_\_\_\_  
22 Honorable Sandra Armstrong  
23 UNITED STATES DISTRICT COURT JUDGE  
24 NORTHERN DISTRICT OF CALIFORNIA  
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