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 Plaintiff
 6 National Casualty Company

7 UNITED STATES DISTRICT COURT
 8
 9 NORTHERN DISTRICT OF CALIFORNIA

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 man Breitman LLP
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10 DISCOVER PROPERTY & CASUALTY
 INSURANCE COMPANY,
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 12 Plaintiff,
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 14 v.
 15 NATIONAL CASUALTY COMPANY and
 DOES 1 to 25, inclusive,,
 16 Defendant.
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 18 NATIONAL CASUALTY COMPANY,
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 20 Third-Party Plaintiff,
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 22 v.
 23 PENN-STAR INSURANCE COMPANY and
 UNITED FINANCIAL CASUALTY
 COMPANY,
 24
 25 Third-Party Defendants.

CASE NO. CV 09-03512 SBA
**STIPULATION AND ORDER OF
 DISMISSAL**

24 IT IS HEREBY STIPULATED by and between the parties to this
 25 action, through their respective attorneys of record, that the
 26 parties have settled all claims in this case and that Discover
 27 Property & Casualty Insurance Company's Complaint and National
 28 Casualty Company's Third-Party Complaint be dismissed, with

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Selman Breitman
man Breitman LLP

1 prejudice, pursuant to Federal Rule of Civil Procedure
2 41(a)(1)(A)(ii).

3 Each party is to bear its own fees and costs.

4 DATED: June 25, 2010 SELMAN BREITMAN LLP

5
6 By: /s/ BENJAMIN R. LARSON
7 LINDA WENDELL HSU
8 BENJAMIN R. LARSON
9 Attorneys for Defendant and
10 Third-Party Plaintiff
11 NATIONAL CASUALTY COMPANY

12 DATED: June , 2010 CHOLAKIAN & ASSOCIATES

13
14 By: /S/ KEVIN CHOLAKIAN
15 KEVIN CHOLAKIAN
16 DAVID TATE
17 Attorneys for Plaintiff
18 DISCOVER PROPERTY & CASUALTY
19 INSURANCE COMPANY

20 DATED: June , 2010 PHILLIPS, SPALLAS & ANGSTADT, LLP

21
22 By: /S/ CARON STAPLETON
23 CARON STAPLETON
24 Attorney for Third-Party
25 Defendant Penn-Star Insurance
26 Company

27 DATED: June , 2010 CODDINGTON, HICKS & DANFORTH

28
29 By: /S/ RANDOLPH S. HICKS
30 RANDOLPH S. HICKS
31 Attorney for Third-Party
32 Defendant
33 UNITED FINANCIAL CASUALTY COMPANY

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ORDER

IT IS HEREBY ORDERED that Discover Property & Casualty Insurance Company's Complaint and National Casualty Company's Third-Party Complaint be, and hereby are, dismissed, with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). Each party to bear its own fees and costs.

DATED: 7/12/10 _____

By:



THE HONORABLE SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF CALIFORNIA

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PROOF OF SERVICE

Discover Property & Casualty Insurance Company v. National
Casualty Company

U.S. District Court, Northern District, Case No. CV09 3512 SBA

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

I am employed in the County of San Francisco, State of California. I am over the age of 18 years and am not a party to the within action; my business address is 33 New Montgomery, Sixth Floor, San Francisco, CA 94105. On July 9, 2010, I served the following document(s) described as

STIPULATION AND [PROPOSED] ORDER OF DISMISSAL

on the interested parties in this action as follows:

Kevin K. Cholakian, Esq. Attorneys For Plaintiff
Curtis Richard Ogilvie Discover Property and
Cholakian and Associates Casualty Company
400 Oyster Point Blvd,
Suite 415
South San Francisco, CA
94080
Tel.: 650.871.9544
Fax: 650.871.9552 **VIA U.S. MAIL**

Caron L. Stapleton Attorneys for Third-Party
Jessica Stuart Pliner Defendant Penn-Starr
Phillips, Spallas & Insurance Company
Angstadt LLP
Three Embarcadero Center,
Suite 550
San Francisco, CA 94111
Tel.: 415.278.9400
Fax: 415.278.9411 **VIA U.S. MAIL**

Randolph Hicks Attorneys for Third-Party
Coddington Hicks & United Financial Casualty
Danforth APC Company
555 Twin Dolphin Dr #300
Redwood City, CA 94065-2133
Tel.: 650.592.5400
Fax: 650.592.5027 **VIA U.S. MAIL**

BY MAIL: By placing a true copy thereof in a sealed envelope addressed as above, and placing it for collection and mailing following ordinary business practices. I am readily

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familiar with the firm's practice of collection and processing correspondence, pleadings, and other matters for mailing with the United States Postal service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

- BY OVERNIGHT COURIER:** I caused the above-referenced document(s) to be delivered to for delivery to the addressee(s).
- BY E-MAIL:** I transmitted a copy of the foregoing documents(s) via the California Northern District Court website to the addressee(s).
- BY FAX:** I transmitted a copy of the foregoing documents(s) via telecopier to the facsimile numbers of the addressee(s), and the transmission was reported as complete and without error.
- BY PERSONAL SERVICE:** I personally delivered such envelope by hand to the offices of the addressee(s).

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on July 9, 2010, at San Francisco, California.

/s/ LIZA H. CACHERO
LIZA H. CACHERO