

REED SMITH LLP  
A limited liability partnership formed in the State of Delaware

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14 FIDELITY AND DEPOSIT COMPANY OF  
MARYLAND

16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA

18 E\*TRADE FINANCIAL CORPORATION,  
19 Plaintiff,  
20 vs.  
21 FIDELITY AND DEPOSIT COMPANY OF  
MARYLAND, and DOES 1 through 20,  
22 inclusive,  
23 Defendants.  
24 AND RELATED COUNTERCLAIMS.

Case No. C 10-02032 CW  
**STIPULATION RE DISMISSAL OF  
ACTION WITH PREJUDICE**  
Compl. Filed: May 11, 2010  
Trial Date: August 1, 2011  
Honorable Claudia Wilken

26 Pursuant to Federal Rule of Civil Procedure 41 (a)(1)(A)(2), and subject to the terms and  
27 conditions of their Release and Settlement Agreement executed on December 30, 2010, E\*TRADE  
28 Financial Corporation (“E\*TRADE”) and Fidelity and Deposit Company of Maryland (“Fidelity”),

1 by and through their respective counsel of record, hereby stipulate that the above-captioned action,  
2 including all counterclaims and defenses, be dismissed in its entirety with prejudice. Each party is to  
3 bear its own attorneys' fees and costs.

4  
5 Dated: January 5, 2011

REED SMITH LLP

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7  
8 By /s/ David E. Weiss  
David E. Weiss

9 Attorneys for E\*TRADE Financial  
10 Corporation

11 Dated: January 5, 2011

SEDGWICK, DETERT, MORAN &  
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13  
14 By /s/ Brian Harrison  
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15 Attorneys for Fidelity and Deposit  
16 Company of Maryland

