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7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 OAKLAND, CALIFORNIA

11 JAMES SUTTON AND LYNETTE
 12 SUTTON,

Plaintiff,

v.

14 AMERICAN SECURITY
 15 INSURANCE COMPANY, a
 Delaware Corporation, and DOES 1
 16 THROUGH 10,

Defendant.

No. 4:10-CV-05624 PJH

The Honorable Phyllis J. Hamilton

**STIPULATED REQUEST FOR
 DISMISSAL BETWEEN THIRD
 PARTY COMPLAINANT AMERICAN
 SECURITY INSURANCE COMPANY
 AND THIRD PARTY DEFENDANT
 HARTFORD FIRE INSURANCE
 COMPANY; AND**

**[PROPOSED] ORDER DISMISSING
 AMERICAN SECURITY'S THIRD
 PARTY COMPLAINT AGAINST
 HARTFORD FIRE INSURANCE**

20 AMERICAN SECURITY
 21 INSURANCE COMPANY,

Third Party Plaintiff,

v.

24 HARTFORD FIRE INSURANCE
 25 COMPANY,

Third Party Defendant.

1 **STIPULATED REQUEST FOR DISMISSAL**

2 Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Third Party
3 Plaintiff American Security Insurance Company ("American Security") and Third Party
4 Defendant Hartford Fire Insurance Company ("Hartford") (the "Parties") agree as follows:

5 The Parties, on their own behalf and on behalf of all Related Parties, grant a
6 full Release, as defined below, to each other and all Related Parties. "Related Parties"
7 refers to each Party's divisions, affiliates, parent corporations, sister corporations,
8 subsidiary corporations, insurers, re-insurers, partners, transferees, assignees,
9 predecessors, and successors. Included as a released party in American Security's Related
10 Parties is the lender that placed the American Security policy at issue, Wells Fargo Bank
11 N.A. ("Wells Fargo"). This Release extends to all claims known and unknown, past,
12 present and future, relating to the insured property referred to in the pleadings in this
13 matter, and all possible causes of action that were or could be asserted in this action or any
14 subsequent action.

15 The Parties acknowledge that they are aware of Section 1542 of the California
16 Civil Code, which provides:

17 GENERAL RELEASE DOES NOT EXTEND TO CLAIMS
18 WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO
19 EXIST IN HIS OR HER FAVOR AT THE TIME OF
20 EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR
HER MUST HAVE MATERIALLY AFFECTED HIS OR HER
SETTLEMENT WITH THE DEBTOR.

21 The Parties agree to waive all of their rights under Section 1542 of the
22 California Civil Code and under any statute, regulation, or common law principle that is
23 the same as or similar to Section 1542 of the California Civil Code.

24 In light of this full release, the parties agree that American Security's third
25 party complaint may be dismissed with prejudice, and jointly request the Court to do so.
26 The parties waive any claim for costs or attorney fees they might have against each other.

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Dated: December 1, 2011

CARROLL, BURDICK & McDONOUGH LLP

By /s/ Raymond J. Tittmann
Raymond J. Tittmann

Attorneys for Defendant and Third Party Plaintiff
AMERICAN SECURITY INSURANCE
COMPANY

Dated: December 2, 2011

By 
Gary Gleason

Attorneys for Third Party Defendant
HARTFORD FIRE INSURANCE COMPANY

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[PROPOSED] ORDER DISMISSING THIRD PARTY COMPLAINT

The Court has considered the request of Third Party Plaintiff American Security Insurance Company ("American Security") and Third Party Defendant Hartford Fire Insurance Company ("Hartford") (the "Parties") to dismiss American Security's third party complaint against Hartford with prejudice under Rule 41(a)(2) of the Federal Rules of Civil Procedure, and order that all other claims that the Parties might have against each other are dismissed with prejudice to the full extent set forth above. Good cause appearing, the Court hereby GRANTS those requests.

American Security's Third Party Complaint against Hartford is hereby dismissed with prejudice. The parties waive any claim for costs or attorney fees they might have against each other.

Dated: December 12, 2011

By _____

