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12 Attorney for defendant:  
SK SHIPPING and SK SHIPPING CO. LTD.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

16 TOKIO MARINE & NICHIDO FIRE ) CASE NO.: C 12-0639 PJH  
CO. LTD. (U.S. BRANCH) )  
17 ) **NOTICE OF SETTLEMENT AND**  
Plaintiff, ) **REQUEST FOR 45 DAY**  
18 ) **CONDITIONAL DISMISSASL;**  
v. ) **PROPOSED ORDER**  
19 )  
M/V INDIGO OCEAN, her engines, tackle, )  
20 machinery, appurtenances, etc., in rem; and SK ) Case Management Conference Date:  
SHIPPING; SK SHIPPING CO. LTD.; SHOEI ) October 11, 2012 at 2:00 p.m.  
21 KISEN KAISHA, LTD. in personam, ) Trial Date: Not Yet Set  
22 Defendants. ) Judge: Hon. Phyllis J. Hamilton  
23 ) Courtroom: 3, 3<sup>rd</sup> Floor

**NOTICE OF SETTLEMENT**

25 TO THIS HONORABLE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF  
26 RECORD:

27 PLEASE TAKE NOTICE THAT the above captioned parties have entered into a  
28 settlement of this matter on September 26, 2012. This settlement includes all parties and all

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1 causes of action.

2 The Settlement will be concluded within 45 days

3 **REQUEST FOR CONDITIONAL DISMISSAL**

4 The parties request that the Court Order this case conditionally dismissed for 45 days  
5 from September 26, 2012 to November 10, 2012 (Saturday) in order to provide time for the  
6 parties to execute their release, fund the settlement and to conserve judicial resources.

7 The parties agree and request that if any party hereto certifies to this Court by November  
8 12, 2012 (first Court day following expiration of 45 days), that the agreed consideration for said  
9 settlement has not been delivered over or the release signed, the Conditional Dismissal Order  
10 shall stand vacated and this action shall forthwith be restored to the calendar to be set for trial.

11 Dated: September 27, 2012

**LAW OFFICES OF GEORGE W. NOWELL**

12 By: /S/ PAUL B. ARENAS

13 PAUL B. ARENAS  
14 Attorneys for plaintiff  
15 TOKIO MARINE & NICHIDO FIRE  
16 CO. LTD. (U.S. BRANCH)

17 Dated: September 27, 2012

**KEESAL YOUNG & LOGAN**

18 By: /S/ JENNIFER M. PORTER

19 JENNIFER M. PORTER, ESQ.  
20 Attorneys for defendants  
21 SK SHIPPING and SK SHIPPING CO. LTD.

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**[PROPOSED] ORDER**

The Parties hereto, by their counsel, having advised the Court that they have agreed to a settlement of this action.

IT IS HEREBY ORDERED that this action is dismissed with prejudice; provided, however, that if any party hereto shall certify to this Court, with a proof of service of a copy on opposing counsel on or before November 12, 2012 (first Court day following 45 days from settlement), that the agreed consideration for the settlement has not been delivered over or the release signed; this Order shall stand vacated, and the action shall be restored to the calendar to be set for trial.

Dated: September 28, 2012

