



- 1 1. That the Defendant TOWN OF LOS GATOS was properly served in this  
2 matter and has reviewed the Complaint.
- 3 2. That the Defendant TOWN OF LOS GATOS desires to avoid the fees and  
4 costs of participating in the matter.
- 5 3. That the instant matter involves a determination of insurance coverage on a  
6 policy issued by the Plaintiff to Defendants JOE P. BETTENCOURT, an  
7 individual, and STRAIGHT LINE GENERAL CONSTRUCTION, INC., a  
8 California corporation, and that Defendant TOWN OF LOS GATOS is not a  
9 named or additional insured tmder said insurance policy.
- 10 4. That the Defendant TOWN OF LOS GATOS agrees to be bound by any  
11 detemlnation made by the Court that resolves this matter as between the other  
12 party Defendants and the Plaintiff.
- 13 5. That Plaintiff agrees not to pursue any default as against Defendant TOWN  
14 OF LOS GATOS and upon approval of this Stipulation by the Court to  
15 dismiss without prejudice Defendant TOWN OF LOS GATOS from this  
16 matter.
- 17 6. That Defendant TOWN OF LOS GATOS in exchange for the ability to not  
18 appear and fomlally defend its position in this action to, and does hereby,  
19 waive any and all post judgment rights that it might otherwise have in the  
20 event that the Plaintiff is not the prevailing party at the conclusion of this case.
- 21 7. That should this Stipulation not be accepted and signed by the Court that the  
22 Defendant TOWN OF LOS GATOS will enter a general appearance.
- 23 8. That for all purposes this Stipulation shall be interpreted as if mutually drafted  
24 and may be signed by Counsel in separate Counter-parts.

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1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

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3 DATED: January 3, 2013

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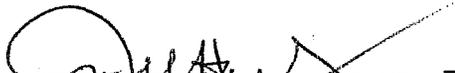
6 ~~ZINDER & KOCH~~ ZINDER, ESQ.

7 Attorneys for Plaintiff FINANCIAL INDEMNITY COMPANY

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9 DATED: January 10, 2013

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12 HOWARD ROME MARTIN & RIDLEY

13 , Jr., ESQ. Attorneys

14 for Defendant TOWN OF LOS GATOS

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16 PURSUANT TO STIPULATION, IT IS SO ORDERED.

17 DATED: 2/6/2013  
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20 HONORABLE Claudia Wilken

21 United States District Judge

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