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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

TROUTMAN SANDERS LLP
5 PARK PLAZA
SUITE 1400
IRVINE, CA 92614-2545

GENESIS INSURANCE COMPANY,

Plaintiff and Counter-Defendant,

v.

MAGMA DESIGN AUTOMATION,
INC.,

Defendant and
Counterclaimant.

MAGMA DESIGN AUTOMATION,
INC.,

Third-Party Plaintiff,

v.

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURG, PA, and
EXECUTIVE RISK INDEMNITY INC.,

Third-Party Defendants.

Case No. 06-5526 JW

J. Williams
**[PROPOSED] ORDER GRANTING
REQUEST FOR DISMISSAL WITH
PREJUDICE PURSUANT TO FEDERAL
RULES OF CIVIL PROCEDURE, RULE
41(a)(2)**

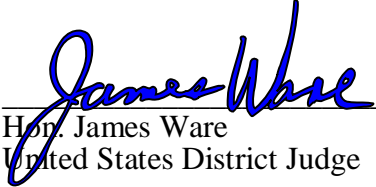
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EXECUTIVE RISK INDEMNITY INC.,
Third-Party Counterclaimant,
v.
MAGMA DESIGN AUTOMATION,
INC.,
Third-Party Counter-Defendant.

Having reviewed Third-Party Plaintiff Magma Design Automation, Inc.’s (“Magma”) and Third-Party Counterclaimant Executive Risk Indemnity Inc.’s (“ERII”) Joint Request for Dismissal Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, for good cause shown, the Court hereby DISMISSES, with prejudice, (1) the Third-Party Complaint filed by Magma (doc. 11) as to ERII only, and (2) the Third-Party Counterclaim filed by ERII against Magma (doc. 26), each side to bear its own fees and costs. Magma’s Third-Party Complaint against defendant National Union Fire Insurance Company of Pittsburg, Pa. is not hereby dismissed.

IT IS SO ORDERED.

Dated: September 17, 2010


Hon. James Ware
United States District Judge