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11 INDIAN HARBOR INSURANCE COMPANY

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 INDIAN HARBOR INSURANCE
16 COMPANY, a North Dakota
17 corporation,

18 Plaintiff,

19 vs.

20 CALABASAS FUNDING
21 CORPORATION dba CFC
22 MORTGAGE BANKERS, a California
23 corporation,

24 Defendant.

CASE NO. C 08 03272 PVT

STIPULATION RE: DISMISSAL OF
ACTION; [XXXXXXXXXXXX] ORDER OF
DISMISSAL

Gordon & Rees LLP
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Suite 4900
Los Angeles, CA 90071

25 This stipulation is entered by and between plaintiff Indian Harbor Insurance
26 Company ("Indian Harbor") and defendant Calabasas Funding Corporation dba
27 CFC Mortgage Bankers ("CFC"). These parties agree, by and through their
28 counsel, as follows:

WHEREAS, on July 8, 2008, Indian Harbor filed this declaratory relief
action against CFC asserting that it does not owe defense or indemnity in
connection with the underlying action filed by First Franklin Financial Corporation
("First Franklin") against CFC in the Superior Court of California in and for the
County of Santa Clara styled, *First Franklin Financial Corp. v. Brian Troop*,

1 Calabasas Funding Corp., etc., Case No. 107CV099104 (the "Underlying
2 Action");

3 WHEREAS, CFC filed an answer in this declaratory relief action on July 23,
4 2008 which disputed Indian Harbor's position regarding insurance coverage;


5 WHEREAS, Indian Harbor, CFC, and First Franklin recently entered into a
6 settlement agreement which resolved all disputes between them in the present
7 declaratory relief action, as well as in the Underlying Action;

8 NOW, THEREFORE, Indian Harbor and CFC, by and through their counsel
9 of record, hereby agree and stipulate that the present declaratory relief action
10 should be dismissed, with prejudice, each party to bear its own attorneys' fees and
11 costs.


12
13 IT IS SO STIPULATED.

14 Dated: October 14, 2009

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633 West Fifth Street
Suite 4900
Los Angeles, CA 90071

GORDON & REES LLP
By: 
PETER SCHWARTZ
CHRISTOPHER WAGNER
Attorneys for Plaintiff
INDIAN HARBOR INSURANCE
COMPANY

19 Dated: October 8, 2009

20 MANFREDI, LEVINE, ECCLES
& MILLER
By: 
DON E. LANSON
Attorneys for CFC MORTGAGE
BROKERS

ORDER OF THE COURT

Pursuant to the parties' stipulation, IT IS HEREBY ORDERED that the entire action styled, *Indian Harbor Insurance Company v. Calabasas Funding Corporation, etc.*, Case No. C 08-03272 PVT is dismissed, with prejudice, each party to bear its own attorneys' fees and costs.

DATED: October 21, 2009



MAGISTRATE JUDGE PATRICIA V. TRUMBULL

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