

WILLOUGHBY, STUART & BENING

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6 Attorneys for Plaintiff/Counter-Defendant  
 7 MONTEREY MUSHROOMS, INC.

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

11 MONTEREY MUSHROOMS, INC.,  
 12 Plaintiff,

13 vs.

14 TRAVELERS PROPERTY CASUALTY  
 15 COIMpany OF AMERICA; THE  
 16 TRAVELERS LLOYDS INSURANCE  
 COMPANY; and DOES 1 through 100  
 (INCLUSIVE),

17 Defendants.

18 THE TRAVELERS LLOYDS  
 19 INSURANCE COMPANY,

20 Counter-Claimant,

21 vs.

22 MONTEREY MUSHROOM, INC.

23 Counter-Defendant.

CASE NO: 5:09-C-09-02501 JW

**STIPULATION AND [PROPOSED]  
 ORDER FOR DISMISSAL WITH  
 PREJUDICE**

**STIPULATION**

26 Pursuant to Federal Rules of Civil Procedure Rule 41 (a)(1)(A)(ii), Plaintiff/Counter -  
 27 Defendant Monterey Mushroom, Inc., through its counsel of record, and Defendants/ Counter-  
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Claimants The Travelers Lloyds Insurance Company, through their respective counsel of record, hereby stipulate that all claims and counter-claims asserted in the above entitled action shall be and hereby are dismissed with prejudice, with each party to bear its own costs and attorneys' fees.

Dated: August 12, 2010

WILLOUGHBY, STUART & BENING

By: \_\_\_\_\_ /s/  
Alexander F. Stuart  
Ronald J. Cook  
Attorneys for Plaintiff/Counter-Defendant  
MONTEREY MUSHROOMS

Dated: August 12, 2010

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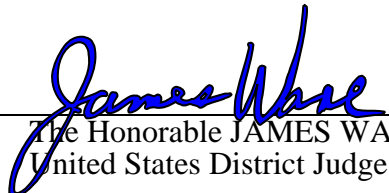
By: \_\_\_\_\_ /s/  
SAMUEL H. RUBY  
Attorneys for Defendants  
TRAVELERS PROPERTY CASUALTY  
COMPANY OF AMERICA and THE  
TRAVELERS LLOYDS INSURANCE  
COMPANY

**ORDER**

Having reviewed the above stipulation.

IT IS HEREBY ORDERED that this action be dismissed with prejudice in its entirety, with each party to bear their own fees and costs. The Clerk shall close this file.

Dated: August 13, 2010

By:  \_\_\_\_\_  
The Honorable JAMES WARE  
United States District Judge