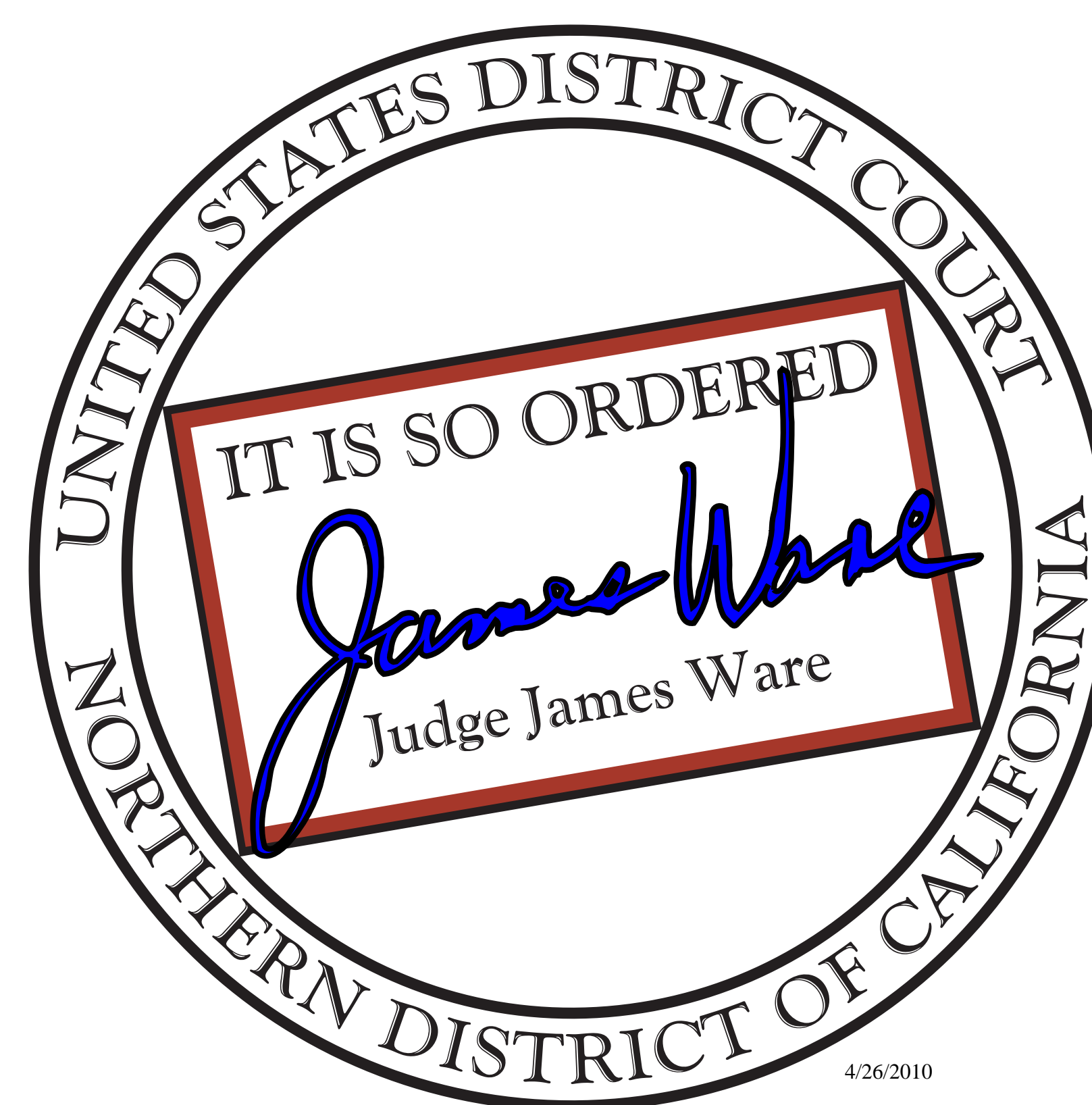


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6 dba ATS, INC.



7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 ATS, PRODUCTS, INC., dba ATS, INC.  
12 and SHEA TECHNOLOGY, LLC,

13 Plaintiffs,

14 vs.

15 FM GLOBAL, INC., MARSH &  
16 McLENNAN COMPANIES, INC.; MARSH  
17 McLENNAN CO.; MARSH & McLENNAN  
18 AGENCY, LLC; MARSH, INC., dba  
MARSH & McLENNAN; and GLOBAL  
MARSH,

Defendants.

) CASE NO.: 5:09-cv-03175 JW-PVT

) **NOTICE OF VOLUNTARY DISMISSAL**  
) **OF SECOND AMENDED COMPLAINT**  
) **OF ATS PRODUCTS, INC., dba ATS,**  
) **INC., WITH PREJUDICE, AS TO**  
) **DEFENDANT FACTORY MUTUAL**  
) **INSURANCE COMPANY**  
) **(ERRONEOUSLY SUED AS "FM**  
) **GLOBAL, INC.")**

19 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff ATS Products, Inc.,  
20 dba ATS, Inc., by and through its designated counsel, hereby agrees to and does voluntarily  
21 dismiss the entirety of its Second Amended Complaint (Document 46), with prejudice, and all  
22 causes of action stated therein, against Defendant Factory Mutual Insurance Company  
23 (erroneously sued as "FM Global, Inc."). Each party is to bear its own fees and costs.

24 DATED: April 14, 2010

LAW OFFICES OF MICHAEL G. ACKERMAN

25 By: \_\_\_\_\_

MICHAEL G. ACKERMAN

26 Attorneys for Plaintiff ATS, PRODUCTS, INC., dba  
27 ATS, INC.

28 224558\_1.DOC

**NOTICE OF DISMISSAL OF SECOND AMENDED COMPLAINT, WITH PREJUDICE**  
**CASE No.: 5:09-CV-03175 JW-PVT**

1 **PROOF OF SERVICE**

2 The undersigned declares:

3 I am a citizen of the United States and a resident of Santa Clara County, State of  
4 California. I am over the age of eighteen (18) years and not a party to the within above-entitled  
5 action. My business address is 2391 The Alameda, Suite 100, Santa Clara, CA 95050.

6 On April 16, 2010, I served a copy of the following document(s) described as:

7 - **NOTICE OF VOLUNTARY DISMISSAL OF SECOND AMENDED COMPLAINT**  
8 **OF ATS PRODUCTS, INC., dba ATS, INC., WITHOUT PREJUDICE, AS TO**  
9 **DEFENDANT FACTORY MUTUAL INSURANCE COMPANY**  
10 **(ERRONEOUSLY SUED AS "FM GLOBAL, INC.")**

11 on the interested parties in this action by placing true copies thereof in a sealed envelope  
12 addressed to the person(s) listed below:

12 Donald W. Carlson, Esq.  
13 Joyce C. Wang, Esq.  
14 Carlson, Calladine & Peterson, LLP  
15 353 Sacramento Street, 16<sup>th</sup> Floor  
16 San Francisco, CA 94111  
17 **Facsimile No.: (415) 391-3898**

12 Robert A. Lewis, Esq.  
13 Manu Pradhan, Esq.  
14 Bingham McCutchen, LLP  
15 3 Embarcadero Ctr. Promenade  
16 San Francisco, CA 94111-4067  
17 **Facsimile No.: (415) 393-2286**

18 (Attorneys for Defendants, FM Global, Inc.,)

18 (Attorneys for Defendants, Global Marsh, )

19  **(By U.S. Mail)** I am readily familiar with my employer's business practice for collection  
20 and processing of correspondence for mailing with the United States Postal Service. I am aware  
21 that on motion of the party served, service is presumed invalid if postal cancellation date or  
22 postage meter is more than one day after dated of deposit for mailing in affidavit. I caused to be  
23 deposited such envelope(s) with postage thereon fully paid to be placed in the United States Mail  
24 at Santa Clara, California.

25  **(By Personal Service)** I caused to be delivered by hand on the interested parties in this  
26 action by having true and correct copies placed thereof in an envelope addressed to the office of  
27 the addressee(s) as above indicated.

28  **(By Facsimile)** I caused to be served by facsimile a true and correct copy pursuant to  
C.C.P. §1013(e), calling for agreement and written confirmation of that agreement on court  
order, to the number(s) listed above or on an attached sheet. Said transmission was reported  
complete and without error.

1  (By E-Mail) I caused a true copy of the foregoing document to be served on Donald W.  
2 Carlson, Esq. at dcarlson@ccplaw.com and Joyce C. Wang, Esq. at jwang@ccplaw.com of the  
3 firm Carlson, Calladine & Peterson, LLP; and at the firm of Bingham McCutchen, LLP, Robert  
4 Lewis, Esq. at robert.lewis@bingham.com and Manu Pradhan, Esq., at  
5 manu.pradhan@bingham.com. The e-mail was complete and no reports of error were received  
6 on April 16, 2010.

7 ( ) (By California Overnight Mail) I caused to be served a true and correct copy enclosed  
8 in a sealed package, for California Overnight collection and for overnight delivery. I had said  
9 envelope marked for collection and overnight delivery to the addressed and to the office of the  
10 addressee(s) as above indicated. In the ordinary course of business and including said overnight  
11 envelopes, will be deposited with California Overnight at Santa Clara, California.

12 (X) (Federal Only) I declare that I am employed in the office of a member of the bar of this  
13 Court at whose direction the service was made.

14 I declare under penalty of perjury under the laws of the State of California that the  
15 foregoing is true and correct and that this declaration was executed in the City of Santa Clara,  
16 State of California on April 16, 2010.

17  
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19 CAMI J. SMURPHAT

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