Michael G. Ackerman, Esq. (SBN 64997) LAW OFFICES OF MICHAEL G. ACKERMAN IT IS SO ORDERED 2 2391 The Alameda, Suite 100 Santa Clara, CA 95050 AS MODIFIEI 3 Telephone: (408) 261-5800 Facsimile: (408) 261-5900 4 Judge James Ware 5 Attorneys for Plaintiffs, ATS PRODUCTS. INC., dba ATS, INC., and SHEA 6 TECHNOLOGY, LLC 7 9/15/2010 8 UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF CALIFORNIA 10 SAN JOSE DIVISION 11 ATS PRODUCTS, INC., dba ATS, INC., Case No.: C09-03175 PVT 12 and SHEA TECHNOLOGY, LLC 13 Plaintiff, STIPULATION FOR DISMISSAL OF COMPLAINT AGAINST MARSH 14 & MCLENNAN COMPANIES, INC., VS. MARSH & MCLENNAN AGENCY, 15 FM GLOBAL, INC., MARSH, INC., dba LLC, AND MARSH, INC. MARSH & McLENNAN and GLOBAL 16 MARSH: 17 Defendants. 18 It is hereby stipulated by and between the parties hereto, by and through their 19 respective attorneys, that Plaintiffs ATS PRODUCTS, INC., dba ATS, INC., and SHEA 20 TECHNOLOGY, LLC ("Plaintiffs") shall dismiss the Second Amended Complaint 21 against Defendants MARSH & MCLENNAN COMPANIES, INC., MARSH & 22 MCLENNAN AGENCY, LLC, AND MARSH, INC. (the "Marsh Defendants") with 23 prejudice in light of the facts pleaded in the Marsh Defendants' motion to dismiss or, in 24 the alternative, motion for summary judgment, currently set for hearing on October 18, 25 2010. This Stipulated Dismissal shall have full preclusive effect in the United States but 26 shall not preclude Plaintiffs from filing a new lawsuit outside of the United States. 27 28 - 1 -STIPULATION FOR DISMISSAL OF COMPLAINT AGAINST

MARSH & MCLENNAN COMPANIES, INC., MARSH & MCLENNAN

AGENCY, LLC, AND MARSH, INC.

C09-03175 PVT Dockets.Justia.com

1	However, should Plaintiffs subsequently become aware of facts that would justify					
2	jurisdiction in a court in the United States, then Plaintiffs may file a new lawsuit in the					
3	United States on that basis. All parties shall bear their respective costs and attorneys fees					
4	incurred in this action.					
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6		-				
7	DATED:, 2010	By:	JEFF SHEA, On behalf of ATS			
8			PRODUCTS, INC., dba ATS, INC., and SHEA TECHNOLOGY, LLC			
9						
10	DATED:, 2010	By:				
11			On behalf of MARSH & MCLENNAN COMPANIES, INC., MARSH &			
12			MCLENNAN AGENCY, LLC, AND MARSH, INC.			
13	DATED: 2010		DINCHAMAN-CUTCUEN LLD			
14	DATED:, 2010		BINGHAM McCUTCHEN, LLP			
15		D				
16		By:	ROBERT A. LEWIS, ESQ.			
17			Attorneys for Defendants, MARSH & MCLENNAN COMPANIES, INC., MARSH & MCLENNAN AGENCY,			
18			LLC, AND MARSH, INC.			
19						
20	DATED: 3, 2010		LAW OFFICES OF			
21	r		MICHAEL G. ACKERMAN			
22		D	Julia (1.			
23		By:	MICHAEL G. ACKERMAN, ESQ.			
24		English Marie	MICHAEL G. ACKERMAN, ESQ. Attorneys for Plaintiffs, ATS PRODUCTS, INC., dba ATS, INC., and SHEA TECHNOLOGY, LLC			
25			SHEA TECHNOLOGY, LLC			
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	STIPULATION FOR DISMISSAL OF CO MARSH & MCLENNAN COMPANIES, II					
	AGENCY, LLC, AND MARSH, INC.		C09-03175 PVT			

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2	jurisdiction in a court in the United States, then Plaintiffs may file a new lawsuit in the					
3	3 United States on that basis. All parties shall bear their respective	United States on that basis. All parties shall bear their respective costs and attorneys fees				
4	4 incurred in this action.					
5	5					
6	6 DATED: , 2010 By:					
7	JEFF SHEA, On	behalf of ATS IC., dba ATS, INC.,				
8	and SUEA TEC	HNOLOGY, LLC				
9	9 /	Jast .				
10	DATED: 9/9, 2010 By: On/behalf of MA	ARSH & MCLENNAN				
11		NC., MARSH & GENCY, LLC, AND				
12	12 MARSH, INC.	,				
13	DATED: $\frac{9}{9}$, 2010 BINGHAM McG	CUTCHEN, LLP				
14	D11120					
15	15 By: (16h)	of gen.				
16	ROBERT A. LE Attorneys for De	efendants, MARSH &				
17	MARSH & MC	OMPANIES, INC., LENNAN AGENCY,				
18	LLC, AND MA	RSH, INC.				
19	19					
20	20 DATED:, 2010 LAW OFFICES MICHAEL G. A					
21						
22	22 By:					
23	MICHAEL G. A Attorneys for Pl	CKERMAN, ESQ. aintiffs, ATS				
24	PRODÚCTS, IN SHEA TECHNO	IC., dba ATS, INC., and				
25	25					
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28	- 2 - STIPULATION FOR DISMISSAL OF COMPLAINT AGAINST					
	MARSH & MCLENNAN COMPANIES, INC., MARSH & MCLENNAN AGENCY, LLC, AND MARSH, INC. C09-03175 PVT					
	AGENCI, LLC, AND MARSH, INC.					

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5			- //			
6	DATED: <i>Sept. 13</i> . 2010	Bv:	14.			
7	15711.17. 3647-75 . 2010	D).	JEFF SHEA. On behalf of ATS PRODUCTS, INC., dba ATS, INC.,			
8			and SHEA TECHNOLOGY, LLC			
9		,				
10	DATED: 2010	By:				
] [On behalf of MARSH & MCLENNAN COMPANIES, INC., MARSH &			
12	*		MCLENNAN AGENCY, LLC, AND MARSH, INC.			
13						
!4	DATED:, 2010		BINGHAM McCUTCHEN, LLP			
15		By:	ROBERT A. LEWIS, ESO.			
16			Attorneys for Defendants, MARSH &			
17			MCLEÑNAÑ COMPANIES, INC., MARSH & MCLENNAÑ AGENCY.			
18			LLC. AND MARSH, INC.			
19						
20	DATED: 3. 2010		LAW OFFICES OF MICTAEL G. ACKERMAN			
21						
22		17	Dilling & Com			
13		By:	MICHAEL GEACKERMAN, ESQ.			
24		,	Attorneys for Plaintiffs, ATS PRODUCTS, INC., dba ATS, INC., and			
25			SHEA TECHNOLOGY, LLC			
26	IT IS SO ORDERED.					
27	The Clerk shall terminate and remaining deadlines and the pending Motion to					
28	Dismiss (Docket Item No. 67). The Clerk shall close this file.					
	Dated: September 15, 2010		Come United States District Judge			
			<i> </i>			