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9 Attorneys for Plaintiff, Counterdefendant and Crossdefendant,  
 10 COLUMBIA CASUALTY COMPANY, an Illinois corporation

11 **UNITED STATES DISTRICT COURT**  
 12 **NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

14 COLUMBIA CASUALTY COMPANY, an  
 Illinois corporation,  
 15  
 Plaintiff,

16 vs.

17 GORDON TRUCKING, INC., a Washington  
 18 corporation, and DOES 1 through 10,  
 19 Defendants.

Case No. 5:09-cv-05441-LHK (PSG)  
 HON. LUCY H. KOH – COURTROOM 4

**NOTICE OF SETTLEMENT;  
 STIPULATION FOR DISMISSAL OF  
 COMPLAINT, COUNTERCLAIM AND  
 CROSS-CLAIM; [~~PROPOSED~~] ORDER  
 THEREON**

20 GORDON TRUCKING, INC., a Washington  
 21 corporation,  
 22 Counterclaimant,

23 vs.

24 COLUMBIA CASUALTY COMPANY, an  
 Illinois corporation; AMERICAN  
 25 INTERNATIONAL SPECIALTY LINES  
 INSURANCE COMPANY, an Alaska  
 26 corporation; GREAT WEST CASUALTY  
 COMPANY, a Nebraska corporation; and DOES  
 27 1 through 10,  
 28 Counterdefendants.

REMOVED: November 17, 2009  
 ACTION FILED: November 10, 2009

1 AMERICAN INTERNATIONAL SPECIALTY  
2 LINES INSURANCE COMPANY, an Alaska  
corporation,

3 Crossclaimant,

4 vs.

5 COLUMBIA CASUALTY COMPANY, an  
6 Illinois corporation,

7 Counterdefendant.

8  
9 This dispute involved whether plaintiff Columbia Casualty Company ("Columbia") was  
10 obligated to pay its \$5 million policy limits in connection with the resolution of a bodily injury lawsuit  
11 against Columbia's insured, Gordon Trucking, Inc. The case was tried to the Court between June 20-  
12 24, 2011, and a Finding of Facts and Conclusions of Law was issued on September 23, 2011. All  
13 parties, by and through their counsel of record, hereby notify the Court that this matter has been settled  
14 in its entirety.

15 As a consequence of the settlement, the parties desire that the complaint, and all counterclaims  
16 and cross-complaints be dismissed with prejudice. Specifically:

17 1. Plaintiff, Columbia, requests that the Court Dismiss its Complaint filed November 10,  
18 2009.

19 2. Defendant and Counterclaimant, Gordon Trucking, Inc., requests that the Court dismiss  
20 the Counterclaim filed December 22, 2009, as to Counterdefendant Columbia. The Court has  
21 previously dismissed the claims of the Counterclaim as to the other Counterdefendants.

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1           3.       Defendant and Crossclaimant American International Specialty Lines Insurance  
2 Company requests that the Court dismiss its Crossclaim filed March 01, 2010.

3           **IT IS SO STIPULATED.**

4  
5 DATED: October 19, 2011

PATRICK A. CATHCART  
ALVARADOSMITH  
A Professional Corporation

7 JOSEPH P. COLLINS

8  
9 By:           /s/ Patrick A. Cathcart            
10           PATRICK A. CATHCART

11                           Attorneys for Plaintiff, Counterdefendant and  
12                           Crossdefendant COLUMBIA CASUALTY COMPANY

13 DATED: October 19, 2011

BINGHAM McCUTCHEN LLP

14  
15 By:           /s/ Frank Kaplan            
16           FRANK KAPLAN

17                           Attorneys for Defendant and Counterclaimant GORDON  
18                           TRUCKING, INC. and Crossclaimant AMERICAN  
19                           INTERNATIONAL SPECIALTY LINES INSURANCE  
20                           COMPANY

21           I, Patrick A. Cathcart, hereby attest, pursuant to N.D. Cal. General Order No. 45, that the  
22 concurrence to the filing of this document has been obtained from each signatory hereto.

23 DATED: October 19, 2011

ALVARADOSMITH  
A Professional Corporation

24  
25 By:           /s/ Patrick A. Cathcart            
26           PATRICK A. CATHCART (SBN 65413)

27                           Attorneys for Plaintiff, Counterdefendant and  
28                           Crossdefendant COLUMBIA CASUALTY COMPANY

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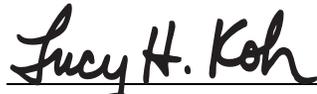
1 **[PROPOSED] ORDER**

2 Based on the agreement of the parties, and good cause appearing given the complete resolution  
3 of this dispute by settlement, the following are hereby dismissed with prejudice:

- 4 1. Columbia Casualty Company's Complaint filed November 10, 2009.  
5 2. Gordon Trucking, Inc.'s Counterclaim filed December 22, 2009, as to  
6 Counterdefendant Columbia.  
7 3. American International Specialty Lines Insurance Company's Crossclaim filed March  
8 1, 2010.

9 **IT IS SO ORDERED**

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11 DATED: October 20, 2011

  
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12 UNITED STATES DISTRICT JUDGE  
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