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Attorneys for Plaintiff WILLIAM A. THAYER  
 CONSTRUCTION, INC.

Attorneys for Defendant NORTH  
 AMERICAN CAPACITY INSURANCE  
 COMPANY

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT**

10 WILLIAM A. THAYER  
 11 CONSTRUCTION, INC.  
 12  
 13 Plaintiff,  
 14  
 15 v.  
 16 NORTH AMERICAN CAPACITY  
 17 INSURANCE COMPANY, and DOES 1-10,  
 18  
 19 Defendant.

CASE NO: C-10-01019 LHK ADR  
 STIPULATION AND ORDER REGARDING  
 DISMISSAL OF CLAIMS FOR DAMAGES  
 ARISING OUT OF PHYSICAL AND  
 EMOTIONAL DISTRESS  
 Judge: Hon. Lucy H. Koh  
 Dept.: 4  
 Complaint Filed: 02/10/2010  
 Trial Date: None Assigned

WHEREAS counsel for Plaintiff and Defendant have conferred regarding the scope of  
 Plaintiff's claims against Defendant; and

WHEREAS counsel for Plaintiff has agreed to dismiss Plaintiff's claims for damages  
 arising out of physical and emotional distress as set forth in the operative complaint and  
 Disclosures on file herein;

NOW THEREFORE, the parties, by and through their counsel of record, hereby stipulate  
 as follows:

///  
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1           1. Plaintiff's claims for damages arising out of physical and emotional distress as set  
2 forth in the operative complaint and Disclosures on file herein shall be dismissed.

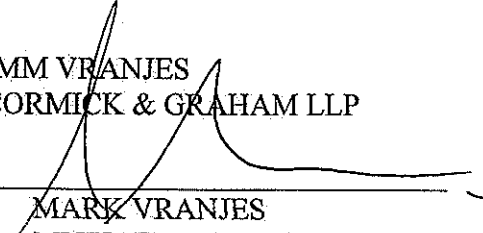
3 Dated: September 13, 2010

LAW OFFICES OF JACK KENEALY

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5  
6 BY:   
7 JACK KENEALY  
8 Attorney for Plaintiff WILLIAM A.  
9 THAYER CONSTRUCTION, INC

10 Dated: September 13, 2010

GRIMM VRANJES  
McCORMICK & GRAHAM LLP


11  
12 BY:   
13 MARK VRANJES  
14 MICHAEL B. MARTIN  
15 Attorney for Defendant NORTH  
16 AMERICAN CAPACITY INSURANCE  
17 COMPANY

18 **ORDER**

19 Based on the stipulation of the parties and for good cause, IT IS HEREBY ORDERED:

20 Plaintiff's claims for damages arising out of physical and emotional distress shall hereby be  
21 dismissed.

22 Dated: November 10, 2010

23 BY:   
24 HONORABLE LUCY H. KOH  
25 Judge of the United States District Court  
26 For the Northern District of California  
27  
28