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11 SCHLUMBERGER TECHNOLOGY CORPORATION, INC.
12 and Third Party Defendant
13 NATIONAL SEMICONDUCTOR (MAINE), INC.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SCHLUMBERGER TECHNOLOGY
CORPORATION, INC., a Texas corporation,

Plaintiff,

v.

EAST CHARLESTON, INC., a California
corporation; PACIFIC AMERICAN
MANAGEMENT COMPANY, a California
Limited Liability Corporation,

Defendants.

Case No. CV 11-02587 LHK

**STIPULATION AND [PROPOSED]
ORDER MUTUALLY DISMISSING
STC/NSM AND INTERVENOR
TRAVELERS CASUALTY AND
SURETY COMPANY CLAIMS
AGAINST EACH OTHER WITHOUT
PREJUDICE**

AND RELATED CASES

STIPULATION AND [PROPOSED] ORDER MUTUALLY DISMISSING STC/NSM AND INTERVENOR TRAVELERS CASUALTY AND
SURETY COMPANY CLAIMS AGAINST EACH OTHER WITHOUT PREJUDICE

Case No. CV 11-02587 LHK

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1 **STIPULATION AND [PROPOSED] ORDER MUTUALLY DISMISSING STC/NSM AND**
2 **INTERVENOR TRAVELERS CASUALTY AND SURETY COMPANY CLAIMS**
3 **AGAINST EACH OTHER WITHOUT PREJUDICE**

4 This Stipulation and [Proposed] Order dismissing claims without prejudice is filed jointly
5 by Plaintiff Schlumberger Technology Corporation (“STC”), and third party defendants National
6 Semiconductor (Maine), Inc. (“NSM”) and Intervenor Travelers Casualty and Surety Company
7 (“Travelers”) f/k/a The Aetna Casualty and Surety Company as alleged Insurer of Suspended
8 Corporation Third-Party Defendant Advalloy, Inc. (collectively, the “Parties”). The Parties, by
9 and through their respective counsel, report to the Court that:

10 1. The Parties have successfully entered into a confidential settlement agreement effective as
11 of July 2, 2013 that resolves all causes of action asserted by the Parties against each other
12 in this action;

13 2. The Parties have exchanged electronic copies of the signature pages associated with their
14 settlement agreement as of July 2, 2013; and

15 3. With resolution of the claims between STC/NSM and Travelers, there are no further
16 pending unresolved claims in this matter and it is appropriate for the Court to vacate the
17 July 15 trial date and pretrial disclosure deadlines.

18 **IT IS HEREBY STIPULATED AND AGREED** between the Parties, pursuant to the Court's
19 Settlement Status Conference Order of June 25, 2013 (Docket No. 271) (“June 25 Order”) and
the Federal Rules of Civil Procedure Rule 41(a)(2) and (c), as follows:

20 1. STC/NSM and Travelers hereby mutually dismiss all of their respective claims pled in the
21 above captioned case against each other WITHOUT PREJUDICE;

22 2. This Court shall retain jurisdiction over the Parties for the purposes of enforcing the
23 settlement agreement reached by and/or between STC/NSM and Travelers in the above
24 captioned case;

25 3. The foregoing dismissal is voluntary and shall not operate as an adjudication on the merits
26 under Rule 41 of the Federal Rules of Civil Procedure;

27 4. The Parties shall bear their own costs, attorneys' fees and expenses;

28 5. In light of the resolution of the claims between STC/NSM and Travelers, it is appropriate 1

1 for the Court to vacate the July 15 trial date and all of the associated pre-trial disclosure
2 deadlines; and
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4 6. Consistent with the Court's June 25 Order, the Parties shall file a dismissal with prejudice
5 on or before August 8, 2013 unless a dispute arises in connection with the executed
6 settlement agreement, in which case the Parties shall report to the Court as necessary.
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9 DATED: July 2, 2013

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11 Respectfully Submitted,

12 BARG COFFIN LEWIS & TRAPP, LLP

13 By: /s/ J. THOMAS BOER
14 J. THOMAS BOER

15 Attorneys for Plaintiff Schlumberger Technology
16 Corporation, Inc. and Third Party Defendant National
17 Semiconductor (Maine), Inc.

18 DATED: July 2, 2013

19 LEWIS BRISBOIS BISGAARD & SMITH LLP

20 By: /s/ JOSEPH A. SALAZAR JR. (authorized July 2, 2013)
21 JOSEPH A. SALAZAR JR.

22 Attorneys for INTERVENOR TRAVELERS
23 CASUALTY AND SURETY COMPANY fka THE
24 AETNA CASUALTY AND SURETY COMPANY As
25 Alleged Insurer of Suspended Corporation Third-Party
26 Defendant ADVALLOY, INC.

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[PROPOSED] ORDER

1 The Parties having stipulated and agreed, and good cause appearing, **IT IS HEREBY**

2 **ORDERED THAT:**

3 1. STC/NSM and Travelers hereby mutually dismiss all of their respective claims plead in
4 the above captioned case against each other **WITHOUT PREJUDICE**;

5 2. Each, STC/NSM, and Travelers, shall bear their own costs, attorney's fees and expenses;
6 and

7 3. The July 15, 2013 trial date, and all associated pretrial deadlines, is hereby VACATED.

8 **IT IS FURTHER ORDERED** that the Court shall retain jurisdiction over the Parties for the
9 purposes of enforcing the settlement agreement reached by or between STC/NSM and Travelers
10 in the above captioned case.

11 12 The Clerk shall close the file.

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15 Dated: July 2, 2013

Lucy H. Koh
16 HONORABLE LUCY H. KOH
UNITED STATES DISTRICT COURT

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