

1 RICHARD C. COFFIN (State Bar No. 70562); rcc@bcltlaw.com
 2 J. THOMAS BOER (State Bar No. 199563); jtb@bcltlaw.com
 3 LAURA S. BERNARD (State Bar No. 197556); lsb@bcltlaw.com
 4 BARG COFFIN LEWIS & TRAPP, LLP
 5 350 California Street, 22nd Floor
 6 San Francisco, California 94104-1435
 7 Telephone: (415) 228-5400
 8 Fax: (415) 228-5450

9 Attorneys for Plaintiff
 10 SCHLUMBERGER TECHNOLOGY CORPORATION
 11 and Third Party Defendant
 12 FAIRCHILD SEMICONDUCTOR CORPORATION

13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**

15 SCHLUMBERGER TECHNOLOGY CORPORATION, INC., a Texas corporation

16 Plaintiff,

17 v.

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

19 Defendants.

Case No. C 11-02587 LHK

STIPULATION TO DISMISS COUNTERCLAIMS OF SCHLUMBERGER TECHNOLOGY CORPORATION AND FAIRCHILD SEMICONDUCTOR CORPORATION AGAINST GREAT AMERICAN INSURANCE COMPANY OF NEW YORK

20 AND RELATED ACTIONS

21 WHEREAS, third party defendant Advalloy, Inc. by and through Intervenor Great American Insurance Company of New York filed a cross-claim against Schlumberger Technology Corporation, Inc. ("STC"), Fairchild Semiconductor Corporation ("Fairchild") and Edward and Gladys Schlager on February 3, 2012 (the "Advalloy Cross-Claim") (Document 47-1);

22 WHEREAS, the Advalloy Cross-Claim contains certain language regarding costs incurred by Great American Insurance Company of New York ("Great American");

23 WHEREAS, STC and Fairchild filed counterclaims against third party defendant Advalloy, Inc. ("Advalloy") and against Intervenor Great American Insurance Company of New



1 York ("Great American") on February 27, 2012 (Documents 51 and 53) in light of the language
2 in the Advalloy Cross-Claim;

3 WHEREAS, Great American filed a motion to dismiss the counterclaims brought by STC
4 and Fairchild against it (the "Motion to Dismiss") (Documents 61-1 through 61-5);

5 WHEREAS, Great American asserts in the Motion to Dismiss that it did not bring any
6 claims on behalf of itself in the Advalloy Cross-Claim;

7 IT IS HEREBY STIPULATED AND AGREED by and between STC, Fairchild,
8 Advalloy and Great American through their respective counsel of records as follows:

9 1. The Advalloy Cross-Claim does not contain any claims by Great American on
10 behalf of itself.

11 2. STC and Fairchild agree to dismiss without prejudice their counterclaims filed on
12 February 27, 2012 with respect to Great American only. The counterclaims remain in effect with
13 respect to Advalloy.

14 3. Great American's Motion to Dismiss is withdrawn.

15 DATED: March 29, 2012

BARG COFFIN LEWIS & TRAPP, LLP

16 By: /s/ Laura S. Bernard
17 Attorneys for Plaintiff
18 Schlumberger Technology Corporation
And Third Party Defendant
Fairchild Semiconductor Corporation

19 DATED: March 29, 2012

WOOD, SMITH, HENNING & BERMAN LLP

21 By: /s/ Jon-Erik Magnus
22 Attorneys for Third Party Defendant Advalloy, Inc.
23 by and through Intervenor Great American
Insurance Company of New York

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 DATED: April 4, 2012

26 
27 _____
Lucy H. Koh

