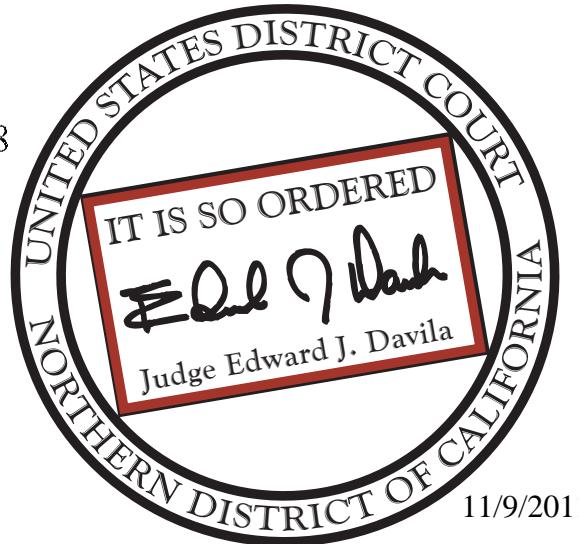


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4 A Limited Liability Partnership
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9 Attorneys for Plaintiffs Travelers Property Casualty; Travelers Indemnity Company
10 of Illinois; and Travelers Property Casualty Company of America

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

14 Travelers Indemnity Company of Illinois;) Case No. 5:11-CV-03735 EJD
15 and Travelers Property Casualty) JUDGE EDWARD J. DAVILA
16 Company of America,)
17 Plaintiffs,) **STIPULATION RE DISMISSAL**
18 vs.)

19)
20 Aqua Proof, Inc; B.T. Mancini Company,)
21 Inc.; Bay Area Canvas, Inc.; Concord Iron)
22 Works, Inc.; Cupertino Electric, Inc.; First)
23 Specialty Insurance Corporation;)
24 Frederick Meiswinkel, Inc.; Greenwich)
25 Insurance Company; Jose Albanese, Inc.();
26 Lexington Insurance Company; Morris)
27 Steel Company, Inc.; National Union Fire)
28 Insurance Company of Pittsburgh PA;)
Pacific Coast Building Products, Inc. dba)
Alcal Roofing & Insulation; Ray L.)
Hellwig Mechanical Company, Inc.; Ray)
L. Hellwig Plumbing & Heating, Inc.;)

1 Milo Masonry, Inc., Royal Glass, Inc.;)
2 TIG Insurance Company; Westchester)
3 Fire Insurance Company; Clarendon)
4 American Insurance Company; and)
DOES 1-100, inclusive,)
Defendants.)

7 **WHEREAS**, Plaintiffs Travelers Indemnity Company of Illinois and
8 Travelers Property Casualty Company of America (collectively “Travelers”) and
9 various defendants to the present action believe it would be more efficient for
10 Travelers to bring its claims against defendants Aqua Proof, Inc., Bay Area Canvas,
11 Inc., B.T. Mancini Co., Concord Iron Works, Inc., Cupertino Electric, Inc.,
12 Frederick Meiswinkel, Inc., Joseph J. Albanese, Inc., Milo Masonry, Inc., Morris
13 Steel Company, Inc., Pacific Coast Building Products, Inc. dba Alcal Roofing &
14 Insulation, Ray L. Hellwig Mechanical Company, Inc., Ray L. Hellwig Plumbing &
15 Heating, Inc., and Royal Glass Company, Inc. (collectively “Subcontractor
16 Defendants”) as a complaint-in-intervention in the state court action entitled 2880
17 *Stevens Creek, LLC v. Blach Construction Company, et al.*, Santa Clara County
18 Superior Court, Case No. 109CV149847 (the “Underlying Action”), as opposed to
19 the present action; and

20 **WHEREAS**, Travelers is amendable to dismissing the entire action without
21 prejudice including defendants First Specialty Insurance Corporation, Greenwich
22 Insurance Company, Lexington Insurance Company, National Union Fire Insurance
23 Company of Pittsburgh PA, TIG Insurance Company, Westchester Fire Insurance
24 Company and Clarendon American Insurance Company (collectively the “Carrier
25 Defendants”) and re-filing in state court against the Carrier Defendant and
26 intervening in the Underlying Action against the Subcontractor Defendants;

27 **IT IS HEREBY STIPULATED** by and between Travelers and Subcontractor
28 Defendants, by and through their designated counsel, that the present action, in its

1 entirety, shall be dismissed without prejudice pursuant to FRCP 41(a)(1). The
2 parties to this stipulation further agree to waive any claim for costs they might have
3 associated with the present action.

4

5 Dated: October 26, 2011

BLACK, COMPEAN, HALL & ELI
A Limited Liability Partnership

6 By: K. Arnal

7 Daniel Eli

8 Kimberly R. Arnal

9 Attorneys for Plaintiffs Travelers Indemnity
10 Company of Illinois and Travelers Property
11 Casualty Company of America

12 Dated: October , 2011

13 **BLEDSOE, CATHCART, DIESTEL,
14 PEDERSEN & TREPPA, LLP**

15 By: _____

16 Steven E. McDonald

17 James L. Shea

18 Attorneys for Defendant, AQUA PROOF,
19 INC.

20 Dated: October , 2011

21 **MURCHISON & CUMMING, LLP**

22 By: _____

23 Jean M. Lawler

24 Carolyn A. Mathews

25 Attorneys for Defendant,
26 BAY AREA CANVAS, INC.

27 Dated: October 26, 2011

28 **LONG & LEVIT LLP**

29 By: A. Baruth

30 Ari A. Baruth

31 Attorney for Defendant,
32 CUPERTINO ELECTRIC, INC.

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11 Company of Illinois and Travelers Property
12 Casualty Company of America

13 Dated: October 21 2011

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PEDERSEN & TREPPA, LLP**

14 By: 

15 Steven E. McDonald

16 James L. Shea

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18 INC.

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10 Company of Illinois and Travelers Property
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12 Dated: October ___, 2011

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PEDERSEN & TREPPA, LLP**

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17 Attorneys for Defendant, AQUA PROOF,
18 INC.

19 Dated: October ___, 2011

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21 Jean M. Lawler
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23 Attorneys for Defendant,
24 BAY AREA CANVAS, INC.

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27 Ari A. Baruth
28 Attorney for Defendant,
CUPERTINO ELECTRIC, INC.

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MURCHINSON & CUMMING, LLP

2 By: _____

3 David M. Hall
4 Attorney for Defendant,
5 JOSE ALBANESE, INC.

6
7 Dated: October , 2011

CLAPP, MORONEY, BELLAGAMBA,
8 VUCINICH, BEEMAN & SCHELEY

9 By: _____

10 L. Theodore Scheley III
11 April Santos
12 Attorneys for Defendant,
13 MORRIS STEEL COMPANY, INC.

14 Dated: October , 2011

15 LOW, BALL & LYNCH

16 By: _____

17 Chester G. Moore
18 Ramsey F. Kawar
19 Jenny Li
20 Attorneys for Defendant,
21 PACIFIC COAST BUILDING PRODUCTS
22 Inc. dba ALCAL ROOFING &
23 INSULATION

24 Dated: October , 2011

KRAMER, DeBOAR, ENDELICATO
25 & KEANE

26 By: _____

27 Sandra Calin
28 Attorney for Defendant,
29 ROYAL GLASS COMPANY, INC.

30 data\spf\4755\stipulation re dismissal - subcontractors

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2 By: _____

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4 Attorney for Defendant,
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6 Dated: October 26, 2011

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22 Inc. dba ALCAL ROOFING &
23 INSULATION

24 Dated: October 27, 2011

25 **KRAMER, DeBOAR, ENDELICATO**
26 & KEANE

27 By: Sandra Calin
28 Sandra Calin
Attorney for Defendant,
ROYAL GLASS COMPANY, INC.

data\spt\4755\stipulation re dismissal - subcontractors