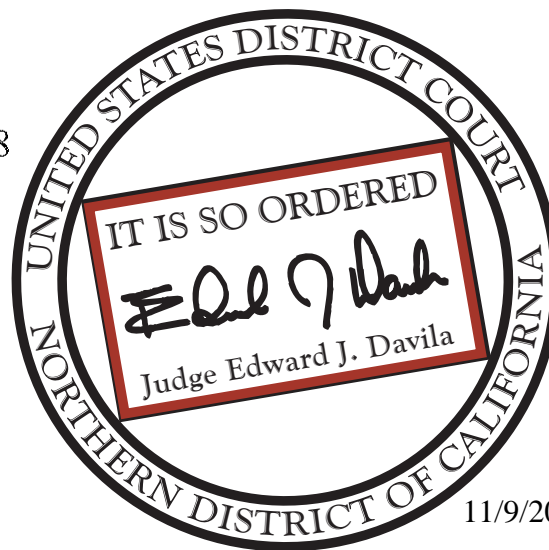


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9 Attorneys for Plaintiffs Travelers Property Casualty; Travelers Indemnity Company
 10 of Illinois; and Travelers Property Casualty Company of America

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) **STIPULATION RE DISMISSAL**
 18 Plaintiffs,)
 19 vs.)
 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)
5 DOES 1-100, inclusive,)
6)
7 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

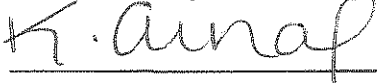
20 **WHEREAS**, Travelers is amendable to dismissing the entire action without
21 prejudice including defendants First Specialty Insurance Corporation, Greenwich
22 Insurance Company, Lexington Insurance Company, National Union Fire Insurance
23 Company of Pittsburgh PA, TIG Insurance Company, Westchester 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
7 By: 

8 Daniel Eli

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

**BLEDSON, CATHCART, DIESTEL,
PEDERSEN & TREPPA, LLP**

14 By: _____

15 Steven E. McDonald

James L. Shea

16 Attorneys for Defendant, AQUA PROOF,
17 INC.

18
19 Dated: October ____, 2011

MURCHISON & CUMMING, LLP

20 By: _____

21 Jean M. Lawler

Carolyn A. Mathews

22 Attorneys for Defendant,
23 BAY AREA CANVAS, INC.

24
25 Dated: October 26, 2011

LONG & LEVIT LLP

26 By: 

27 Ari A. Baruth

28 Attorney for Defendant,
CUPERTINO ELECTRIC, INC.

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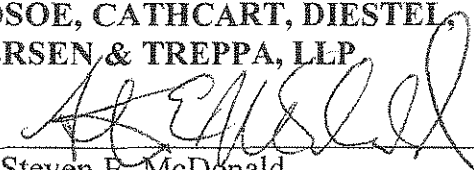
5 Dated: October ____, 2011

BLACK, COMPEAN, HALL & ELI
A Limited Liability Partnership

7 By: _____
8 Daniel Eli
9 Kimberly R. Arnal
10 Attorneys for Plaintiffs Travelers Indemnity
11 Company of Illinois and Travelers Property
12 Casualty Company of America

12 Dated: October 27 2011

**BLEDSON, CATHCART, DIESTEL,
PEDERSEN & TREPPA, LLP**

14 By: 
15 Steven E. McDonald
16 James L. Shea
17 Attorneys for Defendant, AQUA PROOF,
18 INC.

19 Dated: October ____, 2011

MURCHISON & CUMMING, LLP

21 By: _____
22 Jean M. Lawler
23 Carolyn A. Mathews
24 Attorneys for Defendant,
25 BAY AREA CANVAS, INC.

25 Dated: October ____, 2011

LONG & LEVIT LLP

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

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BLACK, COMPEAN, HALL & ELI
A Limited Liability Partnership

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8 Daniel Eli

9 Kimberly R. Arnal

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

12 Dated: October ____, 2011

**BLEDSON, CATHCART, DIESTEL,
PEDERSEN & TREPPA, LLP**

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15 Steven E. McDonald

16 James L. Shea

17 Attorneys for Defendant, AQUA PROOF,
18 INC.

19 Dated: October ____, 2011

MURCHISON & CUMMING, LLP

20 By: Carolyn A. Mathews

21 Jean M. Lawler

22 Carolyn A. Mathews

23 Attorneys for Defendant,
24 BAY AREA CANVAS, INC.

25 Dated: October ____, 2011

LONG & LEVIT LLP

26 By: _____

27 Ari A. Baruth

28 Attorney for Defendant,
CUPERTINO ELECTRIC, INC.

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Dated: October 21, 2011

MURCHINSON & CUMMING, LLP

By: 

David M. Hall
Attorney for Defendant,
JOSE ALBANESE, INC.

Dated: October ___, 2011

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

By: _____

L. Theodore Scheley III
April Santos
Attorneys for Defendant,
MORRIS STEEL COMPANY, INC.

Dated: October ___, 2011

LOW, BALL & LYNCH

By: _____

Chester G. Moore
Ramsey F. Kawar
Jenny Li
Attorneys for Defendant,
PACIFIC COAST BUILDING PRODUCTS
Inc. dba ALCAL ROOFING &
INSULATION

Dated: October ___, 2011

**KRAMER, DeBOAR, ENDELICATO
& KEANE**

By: _____

Sandra Calin
Attorney for Defendant,
ROYAL GLASS COMPANY, INC.

data\spt\4755\stipulation re dismissal - subcontractors

1 Dated: October ___, 2011

MURCHINSON & CUMMING, LLP

2 By: _____

3 David M. Hall

4 Attorney for Defendant,
5 JOSE ALBANESE, INC.

6
7 Dated: October 28, 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

LOW, BALL & LYNCH

15 By: _____

16 Chester G. Moore

17 Ramsey F. Kawar

18 Jenny Li

19 Attorneys for Defendant,
20 PACIFIC COAST BUILDING PRODUCTS
21 Inc. dba ALCAL ROOFING &
22 INSULATION

23 Dated: October ___, 2011

**KRAMER, DeBOAR, ENDELICATO
24 & KEANE**

25 By: _____

26 Sandra Calin

27 Attorney for Defendant,
28 ROYAL GLASS COMPANY, INC.

data\spt\4755\stipulation re dismissal - subcontractors

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Dated: October __, 2011

MURCHINSON & CUMMING, LLP

By: _____
David M. Hall
Attorney for Defendant,
JOSE ALBANESE, INC.


Dated: October __, 2011

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

By: _____
L. Theodore Scheley III
April Santos
Attorneys for Defendant,
MORRIS STEEL COMPANY, INC.

Dated: October 21, 2011

LOW, BALL & LYNCH

By:  _____
Chester G. Moore
Ramsey F. Kavar
Jenny Li
Attorneys for Defendant,
PACIFIC COAST BUILDING PRODUCTS
Inc. dba ALCAL ROOFING &
INSULATION

Dated: October __, 2011

**KRAMER, DeBOAR, ENDELICATO
& KEANE**

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

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1 Dated: October ___, 2011

MURCHINSON & CUMMING, LLP

2
3 By: _____

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

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

LOW, BALL & LYNCH

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16 Chester G. Moore
17 Ramsey F. Kavar
18 Jenny Li
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20 PACIFIC COAST BUILDING PRODUCTS
21 Inc. dba ALCAL ROOFING &
22 INSULATION

23 Dated: October 27, 2011

**KRAMER, DeBOAR, ENDELICATO
24 & KEANE**

25 By:  _____

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

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