

1 STEVEN LAMON, SBN 124853  
 LISA D. NICOLLS, SBN 234376  
 2 MURPHY AUSTIN ADAMS SCHOENFELD LLP  
 304 "S" Street (95811-6906)  
 3 Post Office Box 1319  
 Sacramento, California 95812-1319  
 4 Telephone: (916) 446-2300  
 Facsimile: (916) 503-4000  
 5 Email: slamon@murphyaustin.com  
 Email: lnicolls@murphyaustin.com

6 Attorneys for Use-Plaintiff  
 7 ALL YEAR, INC.

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN JOSE DIVISION

11  
 12 The United States of America for the Use  
 13 and Benefit of ALL YEAR, INC., a  
 California corporation,

14 Use-Plaintiff,

15 v.

16 BONESO BROTHERS  
 17 CONSTRUCTION, INC., a California  
 corporation; LIBERTY MUTUAL  
 18 INSURANCE COMPANY, a  
 Massachusetts corporation; and FIDELITY  
 19 AND DEPOSIT COMPANY OF  
 MARYLAND, a Maryland corporation,

20 Defendants.  
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Case No. C 11-05489 PSG

**STIPULATION AND ~~PROPOSED~~  
 ORDER DISMISSING ACTION WITH  
 PREJUDICE**

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 23  
 24 Plaintiff The United States of America for the Use and Benefit of ALL YEAR, INC., a  
 25 California corporation (hereinafter "Plaintiff") and Defendant BONESO BROTHERS  
 26 CONSTRUCTION, INC., a California corporation (hereinafter "Defendant"), by and through  
 27 their respective counsel of record herein stipulate that the above-captioned action be dismissed in  
 28 its entirety and with prejudice, each party to bear its own costs.

MURPHY AUSTIN ADAMS SCHOENFELD LLP  
 ATTORNEYS AT LAW

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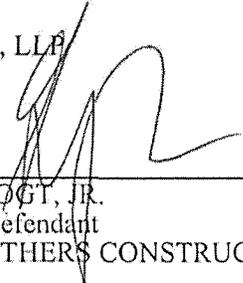
IT IS SO STIPULATED.

Dated: December 6, 2011

MURPHY AUSTIN ADAMS SCHOENFELD LLP

By:   
STEVEN LAMON  
LISA D. NICOLLS  
Attorneys for Use-Plaintiff  
ALL YEAR, INC.

Dated: December 2, 2011

HERRIG & VOGT, LLP  
By:   
GEORGE F. VOGT, JR.  
Attorneys for Defendant  
BONESO BROTHERS CONSTRUCTION,  
INC.

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~~PROPOSED~~ ORDER

Pursuant to the stipulation of the parties and GOOD CAUSE APPEARING:

IT IS HEREBY ORDERED that:

1. The entire action is hereby dismissed with prejudice, each side to bear its own costs.

IT IS SO ORDERED.

DATED: 12/13/2011

*Paul S. Aene*  
U.S. ~~DISTRICT COURT~~ JUDGE  
MAGISTRATE

MURPHY AUSTIN ADAMS SCHOENFELD LLP  
ATTORNEYS AT LAW