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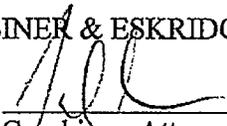
6 Attorneys for Plaintiff
 7 City of Capitola

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 10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 CITY OF CAPITOLA,)	Case No.: 5:12-cv-03428-LHK
)	
13 Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER TO DISMISS ACTION
14 v.)	WITH PREJUDICE
)	
15 LEXINGTON INSURANCE COMPANY,)	
16 and DOES 1 through 100, inclusive,)	
)	
17 Defendants.)	
)	
)	
)	
)	

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 19
 20 IT IS HEREBY STIPULATED by and between the parties to this action through their
 21 designated counsel that the above-captioned action be and hereby is dismissed with prejudice
 22 pursuant to FRCP 41(a)(1). Each party to bear its own attorney's fees and costs.
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24 Dated: May 14, 2013

25 GUMBINER & ESKRIDGE LLP
 26 By: 
 27 Joel P. Gumbiner, Attorney for Plaintiff,
 CITY OF CAPITOLA

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Dated: May 17, 2013

MOUND COTTON WOLLAN & GREENGRASS

By: Renee Plessner
Renee Plessner, Attorney for Defendant,
LEXINGTON INSURANCE COMPANY

PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED

The Clerk shall close the file.

Dated: May 28, 2013

Lucy H. Koh
Lucy H. Koh
United States District Court Judge