

1 James D. Curran, Esq. (SBN 126586)
 2 Wolkin · Curran, LLP
 3 555 Montgomery Street, Suite 1100
 4 San Francisco, California 94111
 Telephone: (415) 982-9390
 Facsimile: (415) 982-4328
 E-mail: JCurran@WolkinCurran.com

5 Attorneys for Plaintiff
 6 The Ohio Casualty Insurance Company

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

12 THE OHIO CASUALTY INSURANCE
 13 COMPANY, a Ohio corporation,

14 Plaintiff,

15 v.

16 BCI BUILDERS, INC., a California
 17 corporation; DENE BUSTICHI, an
 individual; and MELODIE M. BUSTICHI,
 an individual,

18 Defendants.

Case No.: C 12-6443 RMW

**STIPULATION FOR DISMISSAL,
 WITHOUT PREJUDICE, OF ENTIRE
 ACTION**

Date: March 21, 2014
 Time: 10:30 p.m.
 Courtroom: 6, 4th Floor
 Judge: Hon. Ronald M. Whyte

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 21 Plaintiff THE OHIO CASUALTY INSURANCE COMPANY (“Ohio Casualty”) on
 22 the one hand, and Defendants BCI BUILDERS, INC., DENE BUSTICHI and MELODIE
 23 M. BUSTICHI (collectively “Defendants”) on the other hand, by and through their
 24 respective attorneys of record in the above-captioned lawsuit, hereby agree and stipulate as
 25 follows:

- 26 1) The entire action be dismissed, without prejudice; and
- 27 2) The dismissal, without prejudice, of the entire action shall not be, or at any
- 28 later time deemed to be, collateral estoppel, res judicata, or retraxit on any

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issue, claim, demand, damage, right of action or cause of action of any kind whatsoever Ohio Casualty or Defendants had, has or may have against the other, including but not limited to any issue, claim, demand, damage, right of action or cause of action of any kind whatsoever that was raised or could have been raised in this action.

IT IS SO AGREED AND STIPULATED.

Dated: March 17, 2014 Wolkin • Curran, LLP

By: /s/James D. Curran
James D. Curran
Attorneys for Plaintiff
THE OHIO CASUALTY INSURANCE COMPANY

Dated: March 17, 2014 Law Offices of Michael G. Ackerman

By: *(as authorized on March 17, 2014)*
/s/Michael G. Ackerman
Michael G. Ackerman, Esq.
Attorneys for Defendants
BCI BUILDERS, INC., DENE BUSTICHI and
MELODIE M. BUSTICHI

ORDER

**PURSUANT TO THE ABOVE STIPULATION, THE FOLLOWING IS
HEREBY ORDERED:**

- 1) The entire action be dismissed, without prejudice; and
- 2) The dismissal, without prejudice, of the entire action shall not be, or at any later time deemed to be, collateral estoppel, res judicata, or retraxit on any issue, claim, demand, damage, right of action or cause of action of any kind whatsoever Ohio Casualty or Defendants had, has or may have against the other, including but not limited to any issue, claim, demand, damage, right of

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action or cause of action of any kind whatsoever that was raised or could
have been raised in this action.

IT IS SO ORDERED.

Dated: March ____, 2014

Ronald M. Whyte
United States District Court
Northern District of California