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6 Attorneys for Defendants and Counterclaim Plaintiff

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

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11 Unites States of America, For the Use of SAN  
BENITO SUPPLY, a California corporation,

12 Plaintiff,

13 v.

14 KISAO-RQ 8A 2 JV, a joint venture; FRAZIER  
15 MASONRY COMPANY, a California corporation;  
16 FEDERAL INSURANCE COMPANY, an Indiana  
corporation, WESTERN SURETY COMPANY, a  
South Dakota corporation,

17 Defendants.

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19 FRAZIER MASONRY COMPANY, a California  
corporation,

20 Counterclaim Plaintiff,

21 v.

22 SAN BENITO SUPPLY, a California corporation

23 Counterclaim Defendant.  
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) Case No.: CV13-0469

) **STIPULATION FOR VOLUNTARY  
DISMISSAL OF COUNTER CLAIM  
PLAINTIFF'S SECOND COUNTER  
CLAIM FOR NEGLIGENCE**

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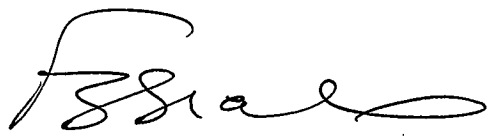
**STIPULATION FOR VOLUNTARY DISMISSAL**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff United States of America For the Use of San Benito Supply, by and through its attorneys of record, Monteleone & McCrory, LLP, and Defendants KISAQ-RQ 8A 2 JV, Federal Insurance Company and Western Surety Company, and Defendant and Counterclaim Plaintiff Frazier Masonry Corporation, by and through their attorneys of record Case, Ibrahim & Clauss, LLP that Counterclaim Plaintiff Frazier Masonry Corporation's Second Counter-Claim for Negligence is voluntarily dismissed against Counterclaim Defendant San Benito Supply.

**IT IS SO STIPULATED AND AGREED.**

Dated: July 11, 2014

CASE, IBRAHIM & CLAUSS, LLP

By: 

BRIAN S. CASE  
F. ALBERT IBRAHIM  
Attorneys for KISAQ-RQ 8A JV, Frazier Masonry Company, Federal Insurance Company and Western Surety Company

Dated: July <sup>14</sup> 11, 2014


MONTELEONE & McCRORY, LLP

By: 

WILLIAM INGALSBE  
DIANA DRON  
Attorneys for San Benito Supply

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Date: August 6, 2014

  
HOWARD R. LLOYD  
United States Magistrate Judge