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11 **IN THE UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 GRANITE ROCK COMPANY AND UNITED
14 STATES FOR THE USE AND BENEFIT OF
15 GRANITE ROCK COMPANY, a California
16 corporation,

17 Plaintiff,

18 vs.

19 HERBACK GENERAL ENGINEERING, LLC, a
20 Nevada limited liability company; TRAVELERS
21 CASUALTY AND SURETY COMPANY OF
22 AMERICA, a Connecticut corporation; and
23 DOES 1 through 10, inclusive,

24 Defendants.

25 And related Counter-Claim.

Case No. 5:16-CV-01591-BLF

Assigned to the Hon. Beth Labson Freeman

**STIPULATION FOR DISMISSAL WITH
PREJUDICE**

26 COME NOW Plaintiff GRANITE ROCK COMPANY AND UNITED STATES FOR THE
27 USE AND BENEFIT OF GRANITE ROCK COMPANY (“Plaintiff”) and Defendants HERBACK
28 GENERAL ENGINEERING, LLC (“Herback”), and TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA (collectively “Defendants”) by and through their undersigned counsel
of record, and hereby dismiss this action, Plaintiff’s Complaint and Defendants’ Counterclaim, in
accordance with Fed.R.Civ.P. 41(a)(1)(A)(ii), in its entirety, with prejudice, each party to bear their

own attorney's fees and costs.

IT IS SO STIPULATED.

DATED this 22nd day of June, 2017.

MOORE LAW GROUP, PC

By /s/ John D. Moore

John D. Moore

Attorneys for Defendants and Counter-

Claimant HERBACK GENERAL

ENGINEERING, LL and TRAVELERS

CASUALTY AND SURETY COMPANY

OF AMERICA

DATED this 22nd day of June, 2017.

NIXON PEABODY LLP

By /s/ Aldo E. Ibarra

Aldo E. Ibarra

Anthony J. Barron

Attorneys for Plaintiff and Counter-Defendant

GRANITE ROCK COMPANY AND

UNITED STATES FOR THE USE AND

BENEFIT OF GRANITE ROCK

COMPANY

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11 STATES FOR THE USE AND BENEFIT OF
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**ORDER FOR DISMISSAL WITH
PREJUDICE**

21 The Court having read the parties' Stipulation for Dismissal with Prejudice, and good
22 cause appearing therefore,

23 IT IS HEREBY ORDERED that the above-captioned action, Complaint and
24 Counterclaim, are dismissed with prejudice.
25

26 Dated: _____, 2017.



The Honorable Beth Labson Freeman
UNITED STATES DISTRICT JUDGE