

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

NEWMAYER & DILLION LLP  
J. BRIAN MORROW, CBN 191392  
Brian.Morrow@ndlf.com  
BRANDON A. CLOUSE, CBN 293102  
Brandon.Clouse@ndlf.com  
1333 N. California Blvd, Suite 600  
Walnut Creek, California 94596  
(925) 988-3200; (925) 988-3290 (Fax)

Attorneys for Defendant  
WALSH/DEMARIA JOINT VENTURE V, an  
Illinois joint venture; WALSH CONSTRUCTION  
COMPANY, an Illinois corporation; THE WALSH  
GROUP LTD, an Illinois corporation; DEMARIA  
BUILDING COMPANY, INC. a Michigan  
corporation



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

THE UNITED STATES OF AMERICA,  
for the use and benefit of BONESO  
BROTHERS CONSTRUCTION, INC., a  
California corporation; and BONESO  
BROTHERS CONSTRUCTION, INC., a  
California corporation,

Plaintiff,

vs.

WALSH/DEMARIA JOINT VENTURE  
V, an Illinois joint venture; WALSH  
CONSTRUCTION COMPANY, an Illinois  
corporation; THE WALSH GROUP LTD,  
an Illinois corporation; DEMARIA  
BUILDING COMPANY, INC. a Michigan  
corporation; and TRAVELERS  
CASUALTY AND SURETY COMPANY  
OF AMERICA, a Connecticut corporation.,

Defendant.

CASE NO.: 5:16-cv-07391-EJD

**STIPULATION OF DISMISSAL WITH  
PREJUDICE**

FILE DATE: 12/29/2016  
TRIAL DATE SET: No Date Set

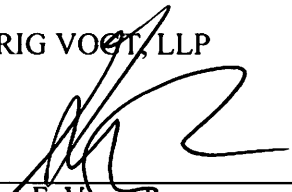
NEWMAYER & DILLION LLP

1 Pursuant to Rule 41 of the Federal Rules of Civil Procedure, Defendants  
2 WALSH/DEMARIA JOINT VENTURE V, WALSH CONSTRUCTION COMPANY, THE  
3 WALSH GROUP, LTD., and DEMARIA BUILDING COMPANY, INC. (hereinafter  
4 collectively "Walsh" or "Walsh Defendants"), Defendant TRAVELERS CASUALTY AND  
5 SURETY COMPANY OF AMERICA, ("Travelers" or "Surety"), and Plaintiffs, THE UNITED  
6 STATES OF AMERICA, for the Use and Benefit of BONESO BROTHERS CONSTRUCTION,  
7 INC. and BONESO BROTHERS CONSTRUCTION, INC. (hereinafter "Boneso" or  
8 "Plaintiffs") (collectively, the "Parties"), by and through their respective undersigned  
9 counsel, stipulate to dismiss this Action (5:16-cv-07391-EJD) with prejudice.

10 As set forth in the Parties' Settlement and Release Agreement, each party shall bear  
11 their own attorneys' fees and costs accrued in this Action.

12 Dated: June 5, 2018

HERRIG VOGT, LLP

13 By:   
14 George F. Vogt, Jr.  
15 Attorney for PLAINTIFFS

16 Dated: June \_\_\_\_\_, 2018

CORFIELD FELD LLP

17 By: \_\_\_\_\_  
18 Michael A. Corfield  
19 Attorney for TRAVELERS CASUALTY AND  
20 SURETY COMPANY OF AMERICA

21 Dated: June \_\_\_\_\_, 2018

NEWMEYER & DILLION LLP

22 BY: \_\_\_\_\_  
23 J. Brian Morrow  
24 Brandon A. Clouse  
25 Attorneys For Defendants  
26 WALSH/DEMARIA JOINT VENTURE V,  
27 WALSH CONSTRUCTION COMPANY,  
28 THE WALSH GROUP LTD., and DEMARIA  
BUILDING COMPANY, INC

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Pursuant to Rule 41 of the Federal Rules of Civil Procedure, Defendants WALSH/DEMARIA JOINT VENTURE V, WALSH CONSTRUCTION COMPANY, THE WALSH GROUP, LTD., and DEMARIA BUILDING COMPANY, INC. (hereinafter collectively "Walsh" or "Walsh Defendants"), Defendant TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, ("Travelers" or "Surety"), and Plaintiffs, THE UNITED STATES OF AMERICA, for the Use and Benefit of BONESO BROTHERS CONSTRUCTION, INC. and BONESO BROTHERS CONSTRUCTION, INC. (hereinafter "Boneso" or "Plaintiffs") (collectively, the "Parties"), by and through their respective undersigned counsel, stipulate to dismiss this Action (5:16-cv-07391-EJD) with prejudice.

As set forth in the Parties' Settlement and Release Agreement, each party shall bear their own attorneys' fees and costs accrued in this Action.

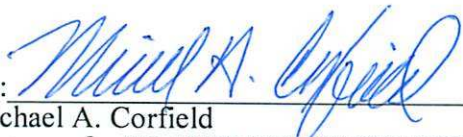
Dated: June \_\_\_\_\_, 2018

HERRIG VOGT, LLP

By: \_\_\_\_\_  
George F. Vogt, Jr.  
Attorney for PLAINTIFFS

Dated: June 4, 2018

CORFIELD FELD LLP

By:   
Michael A. Corfield  
Attorney for TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

Dated: June \_\_\_\_\_, 2018

NEWMAYER & DILLION LLP

BY: \_\_\_\_\_  
J. Brian Morrow  
Brandon A. Clouse  
Attorneys For Defendants  
WALSH/DEMARIA JOINT VENTURE V,  
WALSH CONSTRUCTION COMPANY,  
THE WALSH GROUP LTD., and DEMARIA  
BUILDING COMPANY, INC

1 Pursuant to Rule 41 of the Federal Rules of Civil Procedure, Defendants  
2 WALSH/DEMARIA JOINT VENTURE V, WALSH CONSTRUCTION COMPANY, THE  
3 WALSH GROUP, LTD., and DEMARIA BUILDING COMPANY, INC. (hereinafter  
4 collectively "Walsh" or "Walsh Defendants"), Defendant TRAVELERS CASUALTY AND  
5 SURETY COMPANY OF AMERICA, ("Travelers" or "Surety"), and Plaintiffs, THE UNITED  
6 STATES OF AMERICA, for the Use and Benefit of BONESO BROTHERS CONSTRUCTION,  
7 INC. and BONESO BROTHERS CONSTRUCTION, INC. (hereinafter "Boneso" or  
8 "Plaintiffs") (collectively, the "Parties"), by and through their respective undersigned  
9 counsel, stipulate to dismiss this Action (5:16-cv-07391-EJD) with prejudice.

10 As set forth in the Parties' Settlement and Release Agreement, each party shall bear  
11 their own attorneys' fees and costs accrued in this Action.

12 Dated: June \_\_\_\_\_, 2018

HERRIG VOGT, LLP

13 By: \_\_\_\_\_  
14 George F. Vogt, Jr.  
15 Attorney for PLAINTIFFS

16 Dated: June \_\_\_\_\_, 2018

CORFIELD FELD LLP

17 By: \_\_\_\_\_  
18 Michael A. Corfield  
19 Attorney for TRAVELERS CASUALTY AND  
20 SURETY COMPANY OF AMERICA

21 Dated: June 8, 2018

NEWMEYER & DILLION LLP

22 BY: Brian Morrow  
23 J. Brian Morrow  
24 ~~Brandon A. Clouse~~  
25 Attorneys For Defendants  
26 WALSH/DEMARIA JOINT VENTURE V,  
27 WALSH CONSTRUCTION COMPANY,  
28 THE WALSH GROUP LTD., and DEMARIA  
BUILDING COMPANY, INC

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROOF OF SERVICE**

Boneso Brothers Construction, Inc. v. Walsh/DeMaria Joint Venture V. et al.  
United States District Court Northern District of California Case No.: 5:16-cv-07391-EJD

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF CONTRA COSTA )

I, Nakia Plummer, declare:

I am a citizen of the United States and employed in Contra Costa County, California. I am over the age of eighteen years and not a party to the within-entitled action. My email address is [nakia.plummer@ndlf.com](mailto:nakia.plummer@ndlf.com). My business address is 1333 N. California Blvd, Suite 600, Walnut Creek, California 94596. On June 19, 2018, I served a copy of the within document(s):

**STIPULATION OF DISMISSAL WITH PREJUDICE**

- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Walnut Creek, California addressed as set forth below.
- by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below through ECF/PACER.

**Please see attached service list.**

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on June 19, 2018, at Walnut Creek, California.

*Nakia Plummer*

\_\_\_\_\_  
Nakia Plummer

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**SERVICE LIST**

Boneso Brothers Construction, Inc. v. Walsh/DeMaria Joint Venture V. et al.  
United States District Court Northern District of California Case No.: 5:16-cv-07391-EJD

George F. Vogt, Jr.  
Herrig Vogt, LLP  
4210 Douglas Blvd., Suite 100  
Granite Bay, CA 95746

Tel: 916-960-1000  
Fax: 916-960-1005  
**[PLAINTIFF]**  
Email: [g.vogt@herrigvogt.com](mailto:g.vogt@herrigvogt.com)

Michael Ann Corfield  
Corfield Feld LLP  
30320 Rancho Viejo Rd., Suite 101  
San Juan Capistrano, CA 92675

Tel: 949-218-7812  
Fax: 949-218-7815  
**[TRAVELERS CASUALTY AND  
SURETY COMPANY OF AMERICA]**  
Email: [mcorfield@corfieldlaw.com](mailto:mcorfield@corfieldlaw.com)