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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

THE UNITED STATES OF AMERICA, for the use and benefit of BURCH CONSTRUCTION COMPANY, INC., a California corporation,

Plaintiff,

v.

SAUER, INC., a Pennsylvania corporation, FEDERAL INSURANCE COMPANY, an Indiana corporation,

Defendants.

CASE NO: 5:18-cv-01579-EJD

(RELATED CASE NOS.: 16-cv-03674-EJD; 17-cv-02608-EJD; 17-cv-04568-EJD; 17-cv-07116-EJD; 18-cv-00612-EJD)

STIPULATION OF DISMISSAL

District Judge:  
Hon. Edward J. Davila, Courtroom 4

Complaint Filed: March 13, 2018  
Trial Date: Not Set

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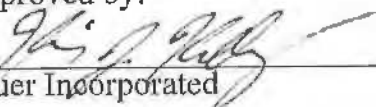
IT IS HEREBY STIPULATED by and among the parties to this action through their designated counsel that the above-captioned action be and hereby is dismissed with prejudice pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.

IT IS SO STIPULATED.

DATE: October \_\_, 2018

Respectfully submitted,  
FINCH, THORNTON & BAIRD, LLP

By:   
P. RANDOLPH FINCH JR.  
ANDREA L. PETRAY  
CHRISTOPHER D. F. FOSTER  
Attorneys for Defendant Sauer Incorporated,  
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Insurance Company  
Email: pfinch@ftblaw.com  
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Approved by:  
  
Sauer Incorporated

Federal Insurance Company

DATE: October \_\_, 2018

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By: \_\_\_\_\_  
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Approved by:  
\_\_\_\_\_  
Burch Construction Company, Inc.

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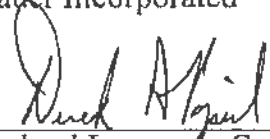
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FINCH, THORNTON & BAIRD, LLP

By: \_\_\_\_\_  
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CHRISTOPHER D. F. FOSTER  
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Approved by:

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Sauer Incorporated  
  
\_\_\_\_\_  
Federal Insurance Company

DATE: October \_\_, 2018

FLAHERTY & FLAHERTY

By: \_\_\_\_\_  
JAMES H. FLAHERTY, JR.  
DOUGLAS P. FLAHERTY  
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Approved by:

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Burch Construction Company, Inc.

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DATE: October \_\_, 2018

Respectfully submitted,  
FINCH, THORNTON & BAIRD, LLP

By: \_\_\_\_\_  
P. RANDOLPH FINCH JR.  
ANDREA L. PETRAY  
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cfooster@ftblaw.com

Approved by:

\_\_\_\_\_  
Sauer Incorporated

\_\_\_\_\_  
Federal Insurance Company

DATE: October 18, 2018

FLAHERTY & FLAHERTY

By:  \_\_\_\_\_  
JAMES H. FLAHERTY, JR.  
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doug@flahertyandflaherty.com

Approved by:

\_\_\_\_\_  
Burch Construction Company, Inc.

1 IT IS HEREBY STIPULATED by and among the parties to this action  
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4 Procedure.

5 IT IS SO STIPULATED.

6 DATE: October \_\_, 2018

Respectfully submitted,

7 FINCH, THORNTON & BAIRD, LLP

8  
9 By: \_\_\_\_\_

P. RANDOLPH FINCH JR.  
ANDREA L. PETRAY  
CHRISTOPHER D. F. FOSTER

10 Attorneys for Defendant Sauer Incorporated,  
11 erroneously sued as Sauer, Inc., and Federal  
12 Insurance Company

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16 Approved by:

17 \_\_\_\_\_  
18 Sauer Incorporated

19 \_\_\_\_\_  
20 Federal Insurance Company

21 DATE: October \_\_, 2018

22 FLAHERTY & FLAHERTY

23 By: \_\_\_\_\_

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24 Attorneys for Plaintiff Burch Construction  
25 Company, Inc.

26 Email: jim@flahertyandflaherty.com  
27 doug@flahertyandflaherty.com

28 Approved by:

 PRESIDENT  
Burch Construction Company, Inc.

1 CERTIFICATE OF SERVICE

2 The undersigned hereby certifies that this document has been filed  
3 electronically on this 30<sup>th</sup> day of October 2018, and is available for viewing and  
4 downloading to the ECF register counsel of record:

5 Via Electronic Service/ECF

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7 Douglas P. Flaherty, Esq.  
8 Flaherty & Flaherty  
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14 doug@flahertyandflaherty.com

ATTORNEYS FOR PLAINTIFF  
BURCH CONSTRUCTION  
COMPANY, INC.

15 DATE: October 30, 2018

Respectfully submitted,  
FINCH, THORNTON & BAIRD, LLP

16 By: /s/ Andrea L. Petray  
17 P. RANDOLPH FINCH JR.  
18 ANDREA L. PETRAY  
19 CHRISTOPHER D. F. FOSTER  
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