

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 08-cv-02139-LTB-KLM

ST. PAUL FIRE AND MARINE INSURANCE COMPANY,

Plaintiff,

v.

ALSTOM POWER, INC.,  
TIC—THE INDUSTRIAL COMPANY, and  
ZURICH AMERICAN INSURANCE COMPANY,

Defendants.

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**ORDER GRANTING STIPULATION FOR DISMISSAL WITH PREJUDICE**

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This Court, having reviewed the Stipulation for Dismissal With Prejudice (“Stipulation”) submitted by Plaintiff St. Paul Fire and Marine Insurance Company (“St. Paul”), Defendant/Counterclaim Plaintiff TIC-The Industrial Company (“TIC”), and Defendant Zurich American Insurance Company (“Zurich”), having reviewed the Stipulation, the Court file, and being duly apprised, hereby finds that the Stipulation should be Granted.

IT IS THEREFORE ORDERED:

1. St. Paul’s claims against TIC are dismissed with prejudice.
2. Zurich’s cross claims against TIC are dismissed with prejudice.
3. TIC’s counterclaims against St. Paul are dismissed with prejudice.
4. TIC’s cross claims against Zurich are dismissed with prejudice.
5. The claims St. Paul has asserted against Zurich and the counterclaims Zurich has asserted against St. Paul as they relate to TIC are dismissed with prejudice.

6. Effective as of the date of this Order, the claims St. Paul has asserted against Zurich and the counterclaims Zurich has asserted against St. Paul shall relate only to the issue of St. Paul's and/or Zurich's defense and/or indemnity obligations relating to Alstom.

7. Each party agrees to pay its own costs and attorneys' fees.

SO ORDERED this 4<sup>th</sup> day of August, 2010.

BY THE COURT:

s/Lewis T. Babcock  
Lewis T. Babcock  
United States District Court Judge