

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

**Peerless Insurance Company a/s/o Bethany Commons, LLC;
et al.**

Plaintiffs

- v. -

Docket No. 1:08-cv-81-PB

NuTone, Inc.,

Defendant

and

USI-Ultra Services, Inc.,

Consolidated Cross-Defendant

STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, the parties to the above-entitled action hereby stipulate that said action be dismissed with prejudice only against USI-Ultra Services, Inc. in Docket no. 1:09-cv-121, and the primary action against NuTone, Docket No. 1:08-cv-81-PB, still remain.

The parties shall pay their own costs and attorneys' fees associated with this dismissal.

and

Karyn Forbes, Esquire
(NH Bar No. 834)
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USI-Ultra Services, Inc.

By its Attorneys,

Dated: December 9, 2010

By: /s/ Frank W. Beckstein, III
Frank W. Beckstein, III, Esquire
(NH Bar No. 15458)
99 Middle Street
Manchester, NH 03101
(603) 647-1800
fbeckstein@nkms.com

SO ORDERED, this 15 day of December, 2010

/s/ Paul Barbadoro
Judge
United States District Court

cc: Counsel of Record

CERTIFICATE OF SERVICE

I hereby certify that the foregoing will be sent to counsel of record this day via the Court's Electronic Case Filing system.

Dated: December 13, 2010

By: /s/ Andrew D. Dunn
Andrew D. Dunn, Esquire (NH Bar #696)
ADunn@DevineMillimet.com

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