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.

Respectfully submitted,

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

By their Attorneys,

Dated: December 9, 2010

By: ____/s/ Andrew D. Dunn

Andrew D. Dunn, Esquire (NH Bar #696) Devine, Millimet & Branch, P.A. 111 Amherst Street Manchester, NH 03105-0719 (603) 669-1000 ADunn@DevineMillimet.com

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and

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NuTone, Inc.

By its Attorneys,

Dated: December 13, 2010

By: /s/ Christopher A. Duggan

Christopher A. Duggan, Esquire (MA Bar #544150) Smith & Duggan, LLP 55 Old Bedford Road Lincoln, MA 01773-1125 (617) 228-4400 chris.duggan@smithduggan.com

and

Karyn Forbes, Esquire (NH Bar No. 834) Shaheen & Gordon, P.A. 107 Storrs Street P.O. Box 2703 Concord, NH 03302-2703 (603) 225-7262 kforbes@shaheengordon.com

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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