## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW HAMPSHIRE

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

**Plaintiffs** 

**Docket No. 1:09-cv-121-LM** 

- V. -

Lennox Industries, Inc., Warren Technology, Inc., and USI-Ultra Services, Inc.

**Defendants** 

## STIPULATION OF DISMISSAL WITHOUT 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 without prejudice only with regard to the action against Lennox Industries and Warren Technology, Inc, under Docket No. 1:09-cv-121-JM. The action against USI-Ultra Services, Inc., 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: July 6, 2010 By: \_\_\_/s/ Andrew D. Dunn

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and

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SO ORDERED, this 7th day of July , 2010

/s/ Landya B. McCafferty

Magistrate Judge Landya B. McCafferty United States District Court

## CERTIFICATE OF SERVICE

I hereby certify that the foregoing notice was served on the following persons on this date and in the manner specified herein:

Electronically Served Through ECF:

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