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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

LEVERNIER CONSTRUCTION INC,
a Washington corporation,

Plaintiff,

v.

LIBERTY SURPLUS INSURANCE
CORPORATION, a foreign insurance
company,

Defendant/Third-Party Plaintiff,

v.

CONTINENTAL WESTERN
INSURANCE COMPANY,

Third-Party Defendant.

NO: 10-CV-0367-TOR

ORDER OF DISMISSAL WITH
PREJUDICE

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BEFORE THE COURT is the parties' Stipulated Motion to Dismiss (ECF No. 61). The parties have agreed that Plaintiff Levernier's Complaint against LSIC be dismissed with prejudice; that Defendant/Third-Party Plaintiff LSIC's Third-Party Complaint against Continental be dismissed with prejudice; that Third-

1 Party Defendant Continental's Counterclaims against LSIC be dismissed with
2 prejudice; and that each party bear their own costs and attorneys' fees. Pursuant to
3 the parties' stipulation, the Court will dismiss this case with prejudice and without
4 costs or attorney's fees to any party. Fed. R. Civ. P. 41(a)(1)(A)(ii) and (c).

5 **ACCORDINGLY, IT IS HEREBY ORDERED:**

6 Pursuant to the parties' Stipulated Motion to Dismiss (ECF No. 61), all
7 claims and causes of action in this matter are **DISMISSED** with prejudice and
8 without costs or fees to any party. Any pending motions, deadlines, hearings and
9 trial are **VACATED** as moot.

10 The District Court Executive is hereby directed to enter this Order, furnish
11 copies to counsel, and **CLOSE** the file.

12 **DATED** September 20, 2013.



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Thomas O. Rice
THOMAS O. RICE
United States District Judge