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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PREMERA,  
  
Plaintiff,  
  
vs.  
  
LEXINGTON INSURANCE COMPANY;  
BCS INSURANCE COMPANY;  
HOMELAND INSURANCE COMPANY OF  
NEW YORK; IRONSHORE SPECIALTY  
INSURANCE COMPANY; RLI  
INSURANCE COMPANY; TRAVELERS  
CASUALTY AND SURETY COMPANY OF  
AMERICA; AND RSUI INDEMNITY  
COMPANY,  
  
Defendants.

Case No. 2:17-cv-00714

**JOINT MOTION FOR AND ORDER  
OF DISMISSAL OF PREMERA'S  
CLAIMS AGAINST BCS WITHOUT  
PREJUDICE AND RETENTION OF  
THE COURT'S JURISDICTION  
OVER PREMERA'S CLAIMS  
AGAINST BCS**

Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiff Premera Blue Cross ("Premera"), and Defendant BCS Insurance Company ("BCS"), by and through their respective counsel, hereby jointly move the Court for an order dismissing all claims alleged by Premera against BCS without prejudice, pursuant to the following terms:

1. Premera and BCS have entered into a Confidential Interim Agreement pursuant to which BCS will reimburse Premera's defense expenses in the United States District Court for the Northern District of Alabama, *In Re: Blue Cross Blue Shield Antitrust Litigation*, Master File No 2:13-cv-20000-RDP, and Premera and BCS will attempt to negotiate a settlement resolving all of Premera's claims against BCS.

Filed 2/20/18 in the Office of the Clerk of the Court

Doc: 151

1           2. Pursuant to Federal Rule of Civil Procedure 41(a)(2), Premera and BCS request  
2 that the Court retain jurisdiction over Premra's claims against BCS in order that the Court may  
3 enforce the Interim Agreement and that Premera may reinstate its claims against BCS in the  
4 event that the parties fail to reach a settlement.

5           3. This stipulation and order does not apply to claims Premera has alleged against  
6 any other party in this litigation.

7  
8           DATED: May 6, 2021

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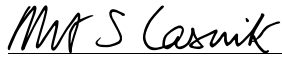
*Attorney for Counterclaim Defendants Allied  
World Surplus Line and Allied World Specialty  
Insurance Company, both formerly known as  
Darwin National Assurance Company*

1 **IT IS HEREBY ORDERED:**

2 1. Pursuant to Federal Rule of Civil Procedure 41(a)(2), Premera's claims against  
3 BCS are dismissed without prejudice.

4 2. With the consent of Premera and BCS, the Court shall retain jurisdiction over  
5 Premera's claims against BCS for the purposes of enforcing the terms of the Parties' Interim  
6 Agreement, and in order that Premera may reinstate its claims against BCS in the event that  
7 Premera and BCS do not settle Premera's claims.

8  
9 Dated this 7th day of May, 2021.

10   
11 Robert S. Lasnik  
12 United States District Judge  
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