

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

REPUBLIC INDEMNITY COMPANY OF AMERICA,

Plaintiff,

- against -

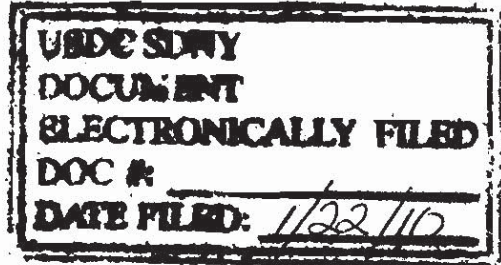
TRANSATLANTIC REINSURANCE COMPANY,

Defendant.

Case No. 09 Civ. 8871 (MGC)

Cedarbaum, USDJ

Ellis, Magistrate Judge



STIPULATION OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

WHEREAS, on December 15, 2009, this matter came on for conference before the Court and counsel for Plaintiff represented that Plaintiff intended to discontinue this action without prejudice, subject to the parties entering into a Tolling Agreement, and such Tolling Agreement now having been duly entered into;

NOW, THEREFORE, it is hereby STIPULATED AND AGREED by and between the parties, through their respective counsel, that pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure and the parties' Confidential Tolling Agreement in this action, all claims and counterclaims in the above-referenced action shall be, and hereby are, dismissed without prejudice. All parties to bear their own costs and attorney's fees.

Dated: New York, New York
January 19, 2010

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So ordered.

S/ United States District Judge
January 21, 2010