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6 Attorneys for Defendant  
 First American Title Insurance Company  
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8 **UNITED STATES DISTRICT COURT**  
 9 **CENTRAL DISTRICT OF CALIFORNIA**  
 10

11 SECURITY SERVICE FEDERAL  
 12 CREDIT UNION,

13 Plaintiff,

14 vs.

15 FIRST AMERICAN TITLE  
 COMPANY, a California Corporation;  
 16 RINDLESBACH FAMILY, LLC, a Utah  
 Limited Liability Company,

17 Defendants.  
 18

CASE NO. CV10-04824 SJO (VBKX)  
 (Hon. S. James Otero)

**JUDGMENT ON FIRST  
 AMERICAN'S MOTION FOR  
 SUMMARY JUDGMENT OR  
 PARTIAL SUMMARY JUDGMENT**

[Filed Concurrently with Notice of  
 Motion and Motion for Summary  
 Judgment; Memorandum of Points and  
 Authorities; Request for Judicial Notice;  
 Declarations in support of MSJ;  
 Statement of Uncontroverted Facts and  
 Conclusions of Law; Table of Exhibits]

Date: November 7, 2011  
 Time: 10:00 a.m.  
 Place: Courtroom 1

Action Filed: June 29, 2010  
 Trial Date: February 7, 2011

**GARRETT & TULLY**  
 A PROFESSIONAL CORPORATION

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**PROPOSED JUDGMENT**

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3 After consideration of the papers in support of and in opposition to defendant First  
4 American Title Insurance Company’s motion for summary judgment or partial  
5 summary judgment, this court orders summary judgment in favor of defendant First  
6 American Title Insurance Company as follows:

7           1. Count 1 of the second amended complaint for “breach of contract” fails  
8 as a matter of law.

9           2. Count 2 of the second amended complaint for “declaratory relief” fails as  
10 a matter of law.

11           3. Count 3 of the second amended complaint for “breach of covenant of  
12 good faith and fair dealing” fails as a matter of law.

13           4. Count 4 of the second amended complaint for “fraudulent concealment –  
14 suppression of fact” fails as a matter of law.

15           5. Count 5 of the second amended complaint for “intentional  
16 misrepresentation” fails as a matter of law.

17           6. Count 6 of the second amended complaint for “negligent  
18 misrepresentation” fails as a matter of law.

19           7. Count 7 of the second amended complaint for “fraudulent inducement”  
20 fails as a matter of law.

21           8. Plaintiff’s claim for punitive damages fails as a matter of law.

22           9. Defendant First American Title Insurance Company is awarded its costs  
23 of suit incurred in defense of this action.

24           10. Judgment is entered in favor of defendant First American Title Insurance  
25 Company.

26 DATED: 1/27/12



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HON. S. JAMES OTERO  
United States District Judge

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CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 4, 2011.

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**MANUAL NOTICE LIST**

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