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MARV W. DURMENT, an individual;
MINADORA HOLDINGS, LLC, a
Delaware limited liability company;
JARVIS ENTERPRISES, INC. dba
ORANGE PRECISION METAL
FABRICATION, a California
corporation,
Plaintiffs,

vs.

THE BURLINGTON INSURANCE
COMPANY, a North Carolina
corporation; MURCHISON &
CUMMING, LLP, a California Limited
Partnership, and DOES 1 through 25,
inclusive,
Defendants.

CASE NO. 2:14-CV-01231-JAK (Ex)

JUDGMENT

JS-6

Defendant Murchison & Cumming, LLP, filed a Motion to Dismiss February 21, 2014. Plaintiff opposed the motion and Murchison & Cumming replied. Plaintiff filed a Motion to Remand the action to Superior Court on March 7, 2014. Burlington opposed the Motion to Remand and Endurance and Murchison & Cumming joined in the opposition. The Motions were heard on May 12, 2014 and the court took both motions under submission. On May 16, 2014 the court ruled as follows: Motion to Remand Denied; Motion to Dismiss Granted. The court further stated it would sign the Judgment as to the Motion to Dismiss upon the completion of the entire case.

1 Plaintiffs Marv W. Durment, Minadora Holdings LLC, and Jarvis Enterprises, Inc.
2 d/b/a Orange Precision Metal Fabrication filed a Motion for Partial Summary Judgment,
3 and Defendant Endurance American Specialty Insurance Company (“Endurance”) filed a
4 Motion for Summary Judgment, both of which were heard on October 27, 2014 before
5 this Court. Plaintiffs’ Motion for Partial Summary Judgment was denied and
6 Endurance’s Motion for Summary Judgment was granted.

7 Plaintiffs then filed a Motion for Reconsideration regarding the Order on the
8 Motion for Partial Summary Judgment and Motion for Summary Judgment, which was
9 denied.

10 Defendant The Burlington Insurance Company (“Burlington”) filed a Motion for
11 Summary Judgment, which was granted.

12 Judgment was entered in favor of Burlington and Endurance on April 8, 2015.

13 Plaintiffs then filed a Motion to Alter or Amend the Judgment, which was granted
14 inasmuch as the April 8, 2015 Judgment did not address the Third, Fourth and Fifth
15 Causes of Action against Burlington in Plaintiffs’ First Amended Complaint. In the
16 same Order granting Plaintiffs’ Motion to Alter or Amend the Judgment, Burlington’s
17 Motion for Summary Judgment was granted with respect to the Third, Fourth and Fifth
18 Causes of Action.

19 Judgment is now entered in favor of Defendant Burlington and against Plaintiffs
20 Marv W. Durment, Minadora Holdings LLC, Jarvis Enterprises, Inc. d/b/a Orange
21 Precision Metal Fabrication as to each and every cause of action asserted against
22 Defendant Burlington set forth in Plaintiffs’ First Amended Complaint, including the
23 Third, Fourth and Fifth Causes of Action.

24 Judgment is now entered in favor of Defendant Endurance and against Plaintiffs
25 Marv W. Durment, Minadora Holdings LLC, and Jarvis Enterprises, Inc. d/b/a Orange
26 Precision Metal Fabrication as to each and every cause of action.

27 This Court having granted defendant Murchison & Cumming, LLP’s Motion to
28 Dismiss on May 16, 2014, and having further determined that defendant Murchison &

1 Cumming, LLP was fraudulently joined, Judgment is hereby entered in favor of
2 Murchison & Cumming, LLP and against Plaintiffs.

3 Each Defendant shall recover its allowable costs in an amount to be determined.
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5 DATED: September 30, 2015

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Hon. John A. Kronstadt,
United States District Court

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