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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES FIDELITY &
GUARANTY COMPANY,

Plaintiff,

vs.

LEE INVESTMENTS LLC dba THE
ISLAND, et al.,

Defendants.

No. CV-F-99-5583 OWW/SMS

ORDER GRANTING LEE
INVESTMENTS LLC'S MOTION TO
AMEND AND/OR MAKE ADDITIONAL
FINDINGS OF FACT AND
CONCLUSIONS OF LAW (Doc.
898) AND AMENDING FINDINGS
OF FACT AND CONCLUSIONS OF
LAW FILED ON AUGUST 5, 2009
(Doc. 893) *NUNC PRO TUNC*

For the reasons stated in the Memorandum Decision filed on
September 29, 2009 (Doc. 916), Lee Investments LLC's motion to
amend and/or make additional findings of fact and conclusions of
law to the "Findings of Fact and Conclusions of Law re Court
Trial Held on April 4-6, 2007" (hereafter referred to as the
Findings of Fact and Conclusions of Law; Doc. 893) is GRANTED.

The Findings of Fact and Conclusions of Law are amended *nunc
pro tunc* at page 5, line 1 to insert the following:

Amendments to the Partial Judgment on Jury's

1 Verdict were made by the "Order Granting in
2 Part and Denying in Part Motion of Lee
3 Investments LLC to Vacate Partial Judgment on
4 Jury Verdict Upon Multiple Claims Involving
5 Multiple Parties or To Alter or Amend Partial
6 Judgment Pursuant to Federal Rules of Civil
7 Procedure 59(e), 60(a) and (60)(b)," filed on
8 November 21, 2008, (Doc. 862). The September
9 21, 2008 Order states:

10 12. Lee's motion to amend the
11 Partial Judgment to reflect that
12 Lee did not stipulate to the
13 inclusion of an alter ego claim
14 against Richard Ehrlich, et al.,
15 but to instead reflect that USF&G
16 was allowed to amend its Complaint
17 to add alter ego allegations
18 against Richard Ehrlich, which
19 claims were severed for trial by
20 Order filed on July 18, 2006
21 (Document 256, pp. 12-16) is
22 GRANTED *nunc pro tunc*.

23 13. Lee's motion to amend the
24 Partial Judgment to reflect that
25 Lee did not stipulate to any
26 determination of claims as to Diana
Conley is GRANTED *nunc pro tunc*.

...

15. Lee's motion to clarify that
the issue of whether USF&G breached
a duty to defend in the WCAB
proceedings and in this action is
not among the issues disposed of by
the Partial Judgment and is
reserved for resolution in a future
proceeding is GRANTED.

The Findings of Fact and Conclusions of Law are amended *nunc pro tunc* at page 8, line 14 to delete "February, 1998" and to substitute "February, 1999."

The Findings of Fact and Conclusions of Law are amended *nunc pro tunc* at page 9, line 25 to delete "April 16, 1999" and to

1 substitute "April 26, 1999."

2 In all other respects, the Findings of Fact and Conclusions
3 of Law remain in effect as filed on August 5, 2009.

4 IT IS SO ORDERED.

5 Dated: October 6, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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