

1 LAWRENCE G. LOSSING, SBN 042953
LOSSING & ELSTON
2 100 PINE STREET, SUITE 3110
SAN FRANCISCO, CALIFORNIA 94111
3 Telephone: (415) 882-4200
Facsimile: (415) 882-4050
4 Email: LGL@Lossing.com

5 Attorneys for Plaintiff
GREAT WEST CASUALTY COMPANY
6
7

8 **UNITED STATES DISTRICT COURT**

9 **FOR THE EASTERN DISTRICT OF CALIFORNIA—FRESNO DIVISION**

10 GREAT WEST CASUALTY
COMPANY,

11 Plaintiff,

12 v.

13 GENERAL FIRE & CASUALTY
COMPANY,

14 Defendant.
15
16

CASE NO. 1:06-CV-01326-OWW-
SMS

**JUDGMENT UPON OFFER OF
JUDGMENT AND
ACCEPTANCE THEREOF**

[F.R.C.P. §68]

17 Defendant GENERAL FIRE & CASUALTY COMPANY having made to
18 plaintiff GREAT WEST CASUALTY COMPANY an offer of judgment in the
19 above-entitled matter pursuant to the provisions of Federal Rule of Civil Procedure
20 §68, and plaintiff GREAT WEST CASUALTY COMPANY having accepted that
21 offer, the Clerk of this Court is hereby ordered to enter judgment as follows:

22 Judgment in favor of plaintiff GREAT WEST CASUALTY COMPANY and
23 against defendant GENERAL FIRE & CASUALTY COMPANY in the sum of
24 \$50,000 (each party to bear its respective fees and costs), provided, however, that
25 each of the parties to this action shall be deemed to have reserved its right to appeal
26 all prejudgment rulings in this action, including but not limited to the District

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Court's orders

- (1) granting summary judgment to defendant General Fire & Casualty Company generally with respect to the enforceability of the undeclared driver sub-limit of its policy;
- (2) denying summary judgment to plaintiff Great West Casualty Company generally with respect to the enforceability of the undeclared driver sub-limit of the General Fire & Casualty Company policy; and
- (3) denying summary judgment to defendant General Fire & Casualty Company generally with respect to the applicability of Insurance Code §11580.9(b) to the matters in controversy herein.

DATED: 8/18/2009.

/s/ OLIVER W. WANGER
HONORABLE OLIVER W. WANGER
United States District Court Judge