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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA – FRESNO**

CALIFORNIA DAIRIES, INC., a)
California Corporation,)
Plaintiff,)

vs.)

RSUI Indemnity Company,)
Defendant.)

Case No. 1:08-CV-00790-OWW-GSA
(Assigned to the Hon. Oliver W. Wagner,
Courtroom 3)

**ORDER GRANTING DEFENDANT’S
MOTION FOR SUMMARY
JUDGMENT**

TO ALL PARTIES HEREIN AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, on June 14, 2010 at 10:00 a.m., Defendant RSUI Indemnity Company’s (“RSUI”) Motion for Summary Judgment or, in the alternative, Summary Adjudication came on for scheduled hearing in courtroom 3 of the above entitled court, the Honorable Oliver W. Wagner, Judge presiding. Based on the papers submitted by the parties and upon hearing oral argument, the Court rules as follows:

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1. The Court finds that defendant did not waive its right to assert Exclusion 7 as a defense to coverage.

2. The Court finds that the undisputed material facts evidence that defendant did not impliedly waive its right to assert Exclusion 7 as a defense to coverage.

3. The Court hereby grants defendant's Motion for Summary Judgment as to all remaining causes of action in this case.

4. The Court's Memorandum Decision Granting Defendant's Motion for Summary Judgment (Doc. 64) dated June 25, 2010 is incorporated herein by reference.

IT IS SO ORDERED:

Dated: July 6, 2010

/S/ OLIVER W. WANGER
UNITED STATES DISTRICT JUDGE