UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

TRAVELERS INDEMNITY CO. OF CONNECTICUT, et al., **Plaintiffs,** **v.** **CENTEX HOMES, et al.,** **Defendants.**	**1:14-cv-793-LJO-GSA** **MEMORANDUM DECISION AND ORDER RE DEFENDANTS' MOTION TO DISMISS (DOC. 18)**

Currently before the Court is Defendants' motion to dismiss Plaintiffs' first amended complaint. Doc. 18. The Court did not set a hearing for the motion and the parties did not request one. The Court finds it appropriate to rule on the motion without oral argument. *See* Local Rule 230(g).

This case is one of many between the parties currently pending in this Court and elsewhere. The Court already has ruled on Defendant s' motions to dismiss in other cases between the parties that often are virtually identical to one another. *See, e.g.*, *Travelers Indem. Co. of Conn. v. Centex Homes*, No. 14-cv-217-LJO-GSA, 2014 WL 2002320 (E.D. Cal. May 15, 2014); *Fidelity & Guar. Ins. Co. v. Centex Homes*, 1:14-cv-826-LJO-GSA, 2014 WL 4075999 (E.D. Cal. Aug. 15, 2014); *Travelers Prop. Cas. Co. of Am. v. Centex Homes*, No. 1:14-cv-1450-LJO-GSA, Doc. 23 (E.D. Cal. Oct. 9, 2014); *Fidelity & Guar. Ins. Co. v. Centex Homes*, 14-cv-826-LJO-GSA, 2014 WL 5823048 (E.D. Cal. Nov. 10, 2014); *see also St. Paul Fire & Marine Ins. Co. v. Centex Homes*, No. ED CV14–01216 AB (JCx), 2014 WL 5013062 (C.D. Cal. Oct. 7, 2014); Doc. 24-1, *Travelers Indemn. Co. of Conn. v. Centex Homes*, 14-cv-806 JGB SPx (C.D. Cal. Oct. 2, 2014).

The Court has reviewed the papers and finds that the Court's prior orders resolve the issues presented in Defendants' pending motion to dismiss. *See generally Fidelity & Guar. Ins. Co. v. Centex*

Homes, 1:14-cv-826-LJO-GSA, 2014 WL 4075999 (E.D. Cal. Aug. 15, 2014); *St. Paul Fire & Marine Ins. Co. v. Centex Homes*, No. ED CV14–01216 AB (JCx), 2014 WL 5013062 (C.D. Cal. Oct. 7, 2014). As the Court explained approximately seven weeks ago, "[t]his is not a news brief to counsel—the counsel of record for Plaintiffs in all these cases is the same law firm." *St. Paul Fire & Marine Ins. Co.*, 1:14-cv-1384-LJO-GSA, Doc. 28 at 2. The Court noted that "instead of requesting leave to amend consistent with the other orders and the cited law," counsel for Plaintiffs "simply encourages (through inaction) to request of this Court that it waste precious judicial resources." Counsel for Plaintiffs continues to do so in this case. Again, "[n]otice is given that counsel may wish to expend its time either to consider this suggestion or review Rule 11 of the Federal Rules of Civil Procedure." *Id.*

Accordingly, the Court GRANTS WITH LEAVE TO AMEND Centex's motion to dismiss Plaintiffs' first amended complaint (Doc. 18). Plaintiffs shall file any further amended complaint on or before February 20, 2015.

IT IS SO ORDERED.

Dated: **January 29, 2015**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE