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

GENERAL FIDELITY INSURANCE  
COMPANY, a South Carolina  
Corporation,

Plaintiff,

v.

QUANTA INDEMNITY COMPANY, a  
Colorado corporation, as successor by  
merger with QUANTA SPECIALTY  
LINES INSURANCE COMPANY;  
BELLA VISTA ESTATES, a California  
Limited Partnership; LAUREL TREE  
HOMES, INC., a California corporation;  
DAVID DYCK, an individual;  
LAMBETH CONSTRUCTION OF  
CALIFORNIA, INC., a suspended  
California corporation; LAMBETH  
CONSTRUCTION, INC., a suspended  
California corporation; LAMBETH  
CONSTRUCTION INCORPORATED, a  
suspended Nevada corporation;  
LAMBETH CONSTRUCTION, LLC, an  
Arkansas limited liability company;  
RENE DIAZ and MONICA DIAZ,  
individuals; NORMA AGUILAR and  
JESSE AGUILAR, individuals; TONY  
ADAYAN, JR., an individual; HECTOR  
CERDA and SANDRA CERDA,  
individuals; MARISA CERROBLANCO,  
an individual; ABEL DELGADO and  
MARIA DELGADO, individuals;  
BEATRIZ FLORES and MANUEL  
GARCIA, individuals; JOSE GOMEZ  
SOLIS, an individual; JOSE GUILLEN

Case No. 1:14-CV-01325 JAM GSA

**ORDER RE DISMISSAL OF  
CERTAIN HOMEOWNER  
DEFENDANTS WITHOUT  
PREJUDICE, PURSUANT TO  
STIPULATION**

1 and NORMA GUILLEN, individuals;  
2 RAFAEL IGNACIO and BERTHA  
3 ALICIA REYES, individuals; LANDY  
4 OROZCO and JOSE LEDESMA,  
5 individuals; ALEJANDRO MAGANA  
6 and ESMIRNA ESTRADA, individuals;  
7 GREGORIA MORALES, an individual;  
8 FERNANDO ORTIZ and PATRICIA  
9 ORTIZ, individuals; JUAN PULIDO and  
10 MARIA PULIDO, individuals;  
11 SEVERINO RODRIGUEZ and LEE  
12 ANN RODRIGUEZ, individuals;  
13 RICHARD REYES, JR. and SAMUEL  
14 ROBLES, individuals; JORGE  
15 SALINAS, an individual; ISMAEL  
16 SPINDOLA, FRANCES SPINDOLA and  
17 CRYSTAL SPINDOLA, individuals;  
18 JOSEPH TORRES, an individual;  
19 BRENDA VARGAS, an individual;  
20 RICARDO ZARAGOZA and MARIA  
21 ZARAGOZA, individuals; JOSE LUIS  
22 ZEPEDA, an individual; ILLIANA  
23 MARTINEZ, an individual; RUBEN  
24 BETANCOURT and ROSA  
25 BETANCOURT, individuals; MANUEL  
26 ALVAREZ, BERTHA ALVAREZ and  
27 SERGIO ALVAREZ, individuals; JOSE  
28 DANIEL AVALOS, an individual;  
RAMON BARRAGAN and AMPARO  
BARRAGAN, individuals; DAVID  
BELTRAN and ALMA BELTRAN,  
individuals; DEMETRIA CARDENAS  
and OSBALDO CARDENAS,  
individuals; JAVIER CAVAZOS, an  
individual; JUAN JOSE CHAVEZ, an  
individual; ARTURO CISNEROS, an  
individual; JOSE CORTEZ and  
MARICELA CORTEZ, individuals;  
CARLOS CUEVAS and JERONIMA  
CUEVAS, individuals; NORBERTO  
DIAZ, JR. and LORENA DIAZ,  
individuals; SALVADOR GALLARDO,  
an individual; EDWARD GALLEGOS  
and VERONICA GALLEGOS;  
individuals; IVAN SERGIO GARIBAY  
and ESPERANZA GARIBAY;  
individuals; NELSON GARIBAY and  
LUCILA GARCIA, individuals; SERGIO  
GARIBAY and YOLANDA GARIBAY,  
individuals; WALLY GONZALES and  
ELENA GONZALES, individuals; JUAN  
GONZALEZ and GINA GONZALEZ,  
individuals; JULIAN GUTIERREZ and  
MARIA GUTIERREZ, individuals;  
SALVADOR HERNANDEZ, an  
individual; SANDRA IBARRA. an

1 individual; CARLOS IGLESIAS and  
2 MONICA IGLESIAS, individuals;  
3 MARIA INIGUEZ, an individual;  
4 GERARDO LOPEZ and JULIA LOPEZ,  
5 individuals; RODOLFO MALDONADO  
6 and ROSALBA MALDONADO,  
7 individuals; JOSE MERAZ and  
8 DOMINGO GONZALEZ, individuals;  
9 JIMMY MORENO and MARIA  
10 MORENO, individuals; JOVITA  
11 MUNOZ and NICOLAS MORALES,  
12 individuals; MIGUEL MURILLO and  
13 SUSANA GUZMAN, individuals; ISIAS  
14 PACHECO and THERESA PENALOZA,  
15 individuals; JAVIER PAULINO and  
16 MARGARITA PAULINO, individuals;  
17 MOISES PEREZ and MONICA PEREZ,  
18 individuals; MARIA RAMIREZ, an  
19 individual; LETICIA REYNA, an  
20 individual; ZEFERINO REYNA, an  
21 individual; ROBERT ROBLES and  
22 JULIANA ROBLES, individuals; JOSE  
23 GUADALUPE ROSILES and PATRICIA  
24 BAUTISTA CEJA, individuals; ISRAEL  
25 RUBALCAVA, an individual;  
26 ARMANDO SANCHEZ and ELEANOR  
27 LOPEZ, individuals; ERNESTO  
28 SANCHEZ and TERESA SANCHEZ,  
individuals; JOSE SANCHEZ, an  
individual; JUAN CARLOS SANCHEZ,  
an individual; PETER SANCHEZ and  
VERONICA MARTINEZ SANCHEZ,  
individuals; MARIA SERRANO, an  
individual; GURVINDER SINGH and  
JAGDEEP KAUR, individuals;  
RICARDO BUSTOS TAPIA, an  
individual; ANDRES TORRES, an  
individual; GABRIEL TOVAR and  
MARIA ZONIA TOVAR, individuals;  
FRANCISCO VARGAS and MARIA  
ALVA, individuals; PAULINO  
VAZQUEZ and ROBERTO VARGAS,  
individuals; LORIANE ZAMORA and  
ROBERT JUAREZ, individuals;  
NORMA ZUNIGA, an individual; LUIS  
MUNOZ ALANIS and MARIA  
CONSUELA MUNOZ, individuals;  
PABLO CASTRO, an individual;  
GUSTAVO ESPINOZA, an individual;  
MARIO GARCIA and SALLY GARCIA,  
individuals; THOMAS F. GHEEN and  
JULA A. GHEEN, individuals; OSCAR  
INIGUEZ and MARSHY INIGUEZ,  
individuals; ROBERT L. LEIJA and  
GUADALUPE G. LEIJA, individuals;  
HUMBERTO LOZANO and MARYVEL

1 LOZANO, individuals; MARTIN  
2 MARES and SULEMA QUINTANILLA-  
3 MARES, individuals; STEVEN  
4 PADILLA and LENORA E. PADILLA,  
5 individuals; DANIEL A. RODRIGUEZ  
6 and FRIEDA RODRIGUEZ, individuals;  
7 LORENZO SALAZAR, ERNESTINA C.  
8 SALAZAR, ADRIAN SALAZAR and  
9 MARIA ELENA SALAZAR, individuals;  
10 JUAN G. SANTOS and FRIDA  
11 SANTOS, individuals; DANIEL TAMEZ,  
12 an individual; GABRIEL TAMEZ and  
13 DESIREE D. TAMEZ, individuals;  
14 JESUS M. VILLAGRANA and  
15 ARACELI VILLAGRANA, individuals;  
16 and JOSE ZUL, an individual.

17 Defendants.

18 This matter is before the Court on the STIPULATION RE: DISMISSAL OF  
19 HOMEOWNER DEFENDANTS WITHOUT PREJUDICE (hereinafter,  
20 “Stipulation”) entered into and executed by Plaintiff GENERAL FIDELITY  
21 INSURANCE COMPANY (hereinafter, “GFIC”) and the AMENDED  
22 HOMEOWNER DEFENDANTS (as more fully identified in the Stipulation and  
23 below) on December 8, 2014, through their respective counsel of record in the herein  
24 Action. Said Stipulation was filed in this Action on December 12, 2014 [Document  
25 41].

26 The AMENDED HOMEOWNER DEFENDANTS are the 160 Defendants  
27 named in GFIC’s First Amended Complaint for Declaratory Relief, which was filed in  
28 this Action on October 17, 2014 [Docket Number 17], who are plaintiffs in the two  
Underlying Construction Defect Actions and the owners of the single-family  
residences that are the subject matter of the Underlying Construction Defect Actions,  
as follows:

(1) RENE DIAZ; (2) MONICA DIAZ; (3) NORMA AGUILAR; (4) JESSE  
AGUILAR; (5) TONY ADAYAN, JR.; (6) HECTOR CERDA; (7) SANDRA  
CERDA; (8) MARISA CERROBLANCO; (8) ABEL DELGADO; (9) MARIA  
DELGADO; (10) BEATRIZ FLORES; (11) MANUEL GARCIA; (12) JOSE

1 GOMEZ SOLIS; (13) JOSE GUILLEN; (14) NORMA GUILLEN; (15)  
2 RAFAEL IGNACIO; (16) BERTHA ALICIA REYES; (17) LANDY  
3 OROZCO; (18) JOSE LEDESMA; (19) ALEJANDRO MAGANA; (20)  
4 ESMIRNA ESTRADA; (21) GREGORIA MORALES; (22) FERNANDO  
5 ORTIZ; (23) PATRICIA ORTIZ; (24) JUAN PULIDO; (25) MARIA PULIDO;  
6 (26) SEVERINO RODRIGUEZ; (27) LEE ANN RODRIGUEZ; (28)  
7 RICHARD REYES, JR.; (29) SAMUEL ROBLES; (30) JORGE SALINAS;  
8 (31) ISMAEL SPINDOLA; (32) FRANCES SPINDOLA; (33) CRYSTAL  
9 SPINDOLA; (34) JOSEPH TORRES; (35) BRENDA VARGAS; (36)  
10 RICARDO ZARAGOZA; (37) MARIA ZARAGOZA; (38) JOSE LUIS  
11 ZEPEDA; (39) ILLIANA MARTINEZ; (40) RUBEN BETANCOURT; (41)  
12 ROSA BETANCOURT; (42) MANUEL ALVAREZ; (43) BERTHA  
13 ALVAREZ; (44) SERGIO ALVAREZ; (45) JOSE DANIEL AVALOS; (46)  
14 RAMON BARRAGAN; (47) AMPARO BARRAGAN; (48) DAVID  
15 BELTRAN; (49) ALMA BELTRAN; (50) DEMETRIA CARDENAS; (51)  
16 OSBALDO CARDENAS; (52) JAVIER CAVAZOS; (53) JUAN JOSE  
17 CHAVEZ; (54) ARTURO CISNEROS; (55) JOSE CORTEZ; (56)  
18 MARICELA CORTEZ; (57) CARLOS CUEVAS; (58) JERONIMA CUEVAS;  
19 (59) NORBERTO DIAZ, JR.; (60) LORENA DIAZ; (61) SALVADOR  
20 GALLARDO; (62) EDWARD GALLEGOS; (63) VERONICA GALLEGOS;  
21 (64) IVAN SERGIO GARIBAY; (65) ESPERANZA GARIBAY; (66)  
22 NELSON GARIBAY; (67) LUCILA GARCIA; (68) SERGIO GARIBAY; (69)  
23 YOLANDA GARIBAY; (70) WALLY GONZALES; (71) ELENA  
24 GONZALES; (72) JUAN GONZALEZ; (73) GINA GONZALEZ; (74)  
25 JULIAN GUTIERREZ; (75) MARIA GUTIERREZ; (76) SALVADOR  
26 HERNANDEZ; (77) SANDRA IBARRA; (78) CARLOS IGLESIAS; (79)  
27 MONICA IGLESIAS; (80) MARIA INIGUEZ; (81) GERARDO LOPEZ; (82)  
28 JULIA LOPEZ; (83) RODOLFO MALDONADO; (84) ROSALBA

1 MALDONADO; (85) JOSE MERAZ; (86) DOMINGO GONZALEZ; (87)  
2 JIMMY MORENO; (88) MARIA MORENO; (89) JOVITA MUNOZ; (90)  
3 NICOLAS MORALES; (91) MIGUEL MURILLO; (92) SUSANA GUZMAN;  
4 (93) ISIAS PACHECO; (94) THERESA PENALOZA; (95) JAVIER  
5 PAULINO; (96) MARGARITA PAULINO; (97) MOISES PEREZ; (98)  
6 MONICA PEREZ; (99) MARIA RAMIREZ; (100) LETICIA REYNA; (101)  
7 ZEFERINO REYNA; (102) ROBERT ROBLES; (103) JULIANA ROBLES;  
8 (104) JOSE GUADALUPE ROSILES; (105) PATRICIA BAUTISTA CEJA;  
9 (106) ISRAEL RUBALCAVA; (107) ARMANDO SANCHEZ; (108)  
10 ELEANOR LOPEZ; (109) ERNESTO SANCHEZ; (110) TERESA  
11 SANCHEZ; (111) JOSE SANCHEZ; (112) JUAN CARLOS SANCHEZ; (113)  
12 PETER SANCHEZ; (114) VERONICA MARTINEZ SANCHEZ; (115)  
13 MARIA SERRANO; (116) GURVINDER SINGH; (117) JAGDEEP KAUR;  
14 (118) RICARDO BUSTOS TAPIA; (119) ANDRES TORRES; (120)  
15 GABRIEL TOVAR; (121) MARIA ZONIA TOVAR; (122) FRANCISCO  
16 VARGAS; (123) MARIA ALVA; (124) PAULINO VAZQUEZ; (125)  
17 ROBERTO VARGAS; (126) LORIANE ZAMORA; (127) ROBERT JUAREZ;  
18 (128) NORMA ZUNIGA; (129) LUIS MUNOZ ALANIS; (130) MARIA  
19 CONSUELA MUNOZ; (131) PABLO CASTRO; (132) GUSTAVO  
20 ESPINOZA; (133) MARIO GARCIA; (134) SALLY GARCIA; (135)  
21 THOMAS F. GHEEN; (136) JULA A. GHEEN; (137) OSCAR INIGUEZ;  
22 (138) MARSHY INIGUEZ; (139) ROBERT L. LEIJA; (140) GUADALUPE  
23 G. LEIJA; (141) HUMBERTO LOZANO; (142) MARYVEL LOZANO; (143)  
24 MARTIN MARES, (144) SULEMA QUINTANILLA-MARES; (145)  
25 STEVEN PADILLA; (146) LENORA E. PADILLA; (147) DANIEL A.  
26 RODRIGUEZ; (148) FRIEDA RODRIGUEZ; (149) LORENZO SALAZAR;  
27 (150) ERNESTINA C. SALAZAR; (151) ADRIAN SALAZAR; (152) MARIA  
28 ELENA SALAZAR; (153) JUAN G. SANTOS; (154) FRIDA SANTOS; (155)

1 DANIEL TAMEZ; (156) GABRIEL TAMEZ; (157) DESIREE D. TAMEZ;  
2 (158) JESUS M. VILLAGRANA; (159) ARACELI VILLAGRANA; and (160)  
3 JOSE ZUL.

4  
5 Pursuant to the terms of the Stipulation, and for good cause shown,

6 **IT IS HEREBY ORDERED** that all of the AMENDED HOMEOWNER  
7 DEFENDANTS, with the exception of (1) RENE DIAZ, (2) MONICA DIAZ, (48)  
8 DAVID BELTRAN, and (49) ALMA BELTRAN are dismissed as Defendants in this  
9 Action, without prejudice, subject to the right of Plaintiff GFIC to re-file or renew its  
10 claims against the dismissed AMENDED HOMEOWNER DEFENDANTS, which are  
11 the subject of this Action (hereinafter, the “DISMISSED HOMEOWNER  
12 DEFENDANTS”). Pursuant to the Stipulation, all DISMISSED HOMEOWNER  
13 DEFENDANTS have heretofore acknowledged service of the Summons and First  
14 Amended Complaint in this Action and consented to the Court’s jurisdiction in this  
15 Action.

16 **IT IS FURTHER ORDERED** that the DISMISSED HOMEOWNER  
17 DEFENDANTS shall be bound by all orders, findings, conclusions, determinations,  
18 decrees, stipulations, judgments, settlements and/or agreements made or entered into  
19 between the parties to this Action, other than those which constitute factual  
20 determinations that are specific to the residences owned by Defendants RENE DIAZ,  
21 MONICA DIAZ, DAVID BELTRAN and/or ALMA BELTRAN, in the same manner  
22 and to the same extent as if the DISMISSED HOMEOWNER DEFENDANTS had  
23 been parties to this Action and/or parties to any settlement agreement.

24 **IT IS FURTHER ORDERED** that Plaintiff GFIC and the DISMISSED  
25 HOMEOWNER DEFENDANTS shall bear their own costs and attorneys’ fees in  
26 connection with the dismissal of the DISMISSED HOMEOWNER DEFENDANTS  
27 without prejudice.

28 **IT IS FURTHER ORDERED** that all statute of limitations, statutes regarding

1 prosecution of claims or time within which a trial must be held or judgment must be  
2 entered, and all defenses based upon delay and prosecution (collectively “Statute of  
3 Limitations”) with respect to the claims of Plaintiff GFIC against the DISMISSED  
4 HOMEOWNER DEFENDANTS provided for by law, equity or judicial decision shall  
5 be tolled as provided herein. In the event that Plaintiff re-files or renews any claims in  
6 connection with this Action in the future against one or more of the DISMISSED  
7 HOMEOWNER DEFENDANTS, the period from August 25, 2014, up to and  
8 including the date of re-filing or renewal of such an action, shall not be included for  
9 purposes of computing the applicable time periods for Statute of Limitations, and shall  
10 not in any way serve to extend any Statutes of Limitations that had already run as of  
11 and including August 25, 2014.

12 This **ORDER** does not pertain to any parties in this Action, other than Plaintiff  
13 GFIC and the AMENDED HOMEOWNER DEFENDANTS, all of which remain  
14 parties to this Action, with the exception of the DISMISSED HOMEOWNER  
15 DEFENDANTS.

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17 DATED: December 17, 2014

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/s/ John A. Mendez  
The Honorable John A. Mendez  
U. S. District Court Judge

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