

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

TRAVELERS PROPERTY CASUALTY) Case No. 1:14-cv-01450-LJO-GSA
COMPANY OF AMERICA, a Connecticut) Hon. Lawrence J. O'Neill
corporation; ST. PAUL MERCURY)
INSURANCE COMPANY, a Minnesota) **ORDER ON REQUEST FOR DISMISSAL**
corporation; and FIDELITY AND GUARANY) **WITHOUT PREJUDICE OF CERTAIN**
INSURANCE UNDERWRITERS, INC., an) **CLAIMS OF PLAINTIFFS' FIRST**
Iowa corporation,) **AMENDED COMPLAINT**
)
)
Plaintiff,)
)
)
v.)
)
)
CENTEX HOMES, a Nevada general)
partnership, CENTEX REAL ESTATE)
CORPORATION, a Nevada corporation; and)
DOES 1 through 10 inclusive,)
)
Defendants.)

Pursuant to the stipulation by and between plaintiffs TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA, ST. PAUL MERCURY INSURANCE COMPANY and FIDELITY AND GUARANTY INSURANCE UNDERWRITERS, INC. (collectively "TRAVELERS") and defendants CENTEX HOMES and CENTEX REAL ESTATE CORPORATION (collectively "CENTEX"), and good cause appearing therefore,

IT IS HEREBY ORDERED that the following claims asserted by TRAVELERS against CENTEX within the First Amended Complaint filed by TRAVELERS on October 31, 2014, are voluntarily DISMISSED WITHOUT PREJUDICE, with each party to bear its own costs as to those claims:

1 • TRAVELRS' first, second and third counts for declaratory relief regarding
2 whether CENTEX breached the cooperation clause in the insurance policies.
3 • TRAVELERS' first and second counts for breach of contract.
4 • TRAVELERS' cause of action for equitable reimbursement.

5 The following claims asserted by TRAVELERS against CENTEX within the First Amended
6 Complaint filed by TRAVELERS on October 31, 2014, remain outstanding:

7 • TRAVELERS' first and second count for declaratory relief regarding CENTEX's
8 claimed entitlement to independent counsel.

9 **SO ORDERED**

10 **Dated: January 15, 2015**

11 /s/ Lawrence J. O'Neill
12 United States District Judge

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