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9 PROPERTY CASUALTY COMPANY OF AMERICA

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

14 TRAVELERS PROPERTY
15 CASUALTY COMPANY OF
16 AMERICA, a Connecticut
17 Corporation

17 Plaintiff,

18 v.

19 GREG OPINSKI CONSTRUCTION,
20 INC., a California Corporation,
21 BAMBACIGNO STEEL COMPANY,
22 a California Corporation and DOES
23 1 through 10 inclusive,

22 Defendants.

No.: 1:19-CV-01308-NONE-SAB

Complaint Filed: September 18,
2019

**STIPULATED FINAL
JUDGMENT**

1 **STIPULATED FINAL JUDGMENT**

2 Plaintiff Travelers Property Casualty Company of America
3 (“Travelers”) filed this action for declaratory relief (under 28 U.S.C. § 1332)
4 and for equitable reimbursement under California state law against
5 defendants Bambacigno Steel Company (“Bambacigno”) and Greg Opinski
6 Construction, Inc. (“Opinski”). Travelers, Bambacigno, and Opinski have
7 settled the action and have stipulated to entry of final judgment without
8 adjudication of any issue of fact or law and without judgment constituting
9 any evidence against or admission by any of the them with respect to any
10 matter at issue in this action.

11 **THEREFORE**, before the taking of any testimony and without trial or
12 adjudication of any fact or law herein and upon consent of Travelers,
13 Bambacigno, and Opinski, it is hereby

14 **ORDERED, ADJUDGED AND DECREED** that:

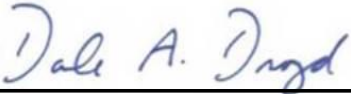
- 15 1. This Court has jurisdiction of the action and over Travelers,
16 Bambacigno, and Opinski.
- 17 2. Travelers’ complaint states a claim for declaratory relief under 28
18 U.S.C. § 1332 and for equitable reimbursement under California
19 state law upon which relief may be granted against Bambacigno
20 and Opinski.
- 21 3. Judgment is entered on Travelers’ first cause of action for
22 declaratory relief and a declaration is hereby made that Travelers
23 owes no duty to defend Bambacigno in the action entitled *Greg*
24 *Opinski Construction, Inc. v. Bambacigno Steel Co., Inc.*,
25 California Superior Court for the County of Stanislaus, case
26 number 9000481.
- 27 4. Judgment is entered on Travelers’ second cause of action for
28 declaratory relief and a declaration is hereby made that Travelers

1 owes no duty to indemnify Bambacigno against any damages
2 sought in connection with the action entitled *Greg Opinski*
3 *Construction, Inc. v. Bambacigno Steel Co., Inc.*, California
4 Superior Court for the County of Stanislaus, case number
5 9000481.

- 6 5. Travelers' third cause of action for equitable reimbursement is
7 hereby dismissed with prejudice.
- 8 6. Travelers, Bambacigno, and Opinski shall bear their own costs
9 incurred in this action.
- 10 7. Pursuant to stipulation, Travelers, Bambacigno, and Opinski
11 have no right to appeal this judgment.

12 IT IS SO ORDERED.

13 Dated: February 16, 2021

14 
UNITED STATES DISTRICT JUDGE