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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CERTAIN UNDERWRITERS AT
LLOYDS, LONDON,

No. 2:10-cv-00116-MCE-DAD

Plaintiff,

v.

ORDER

TRIDUANUM FINANCIAL, INC.;
JOHNNY E. GRIVETTE, JR.;
CHRISTOPHER JARED WARREN;
and SCOTT EDWARD CAVELL,

Defendants.

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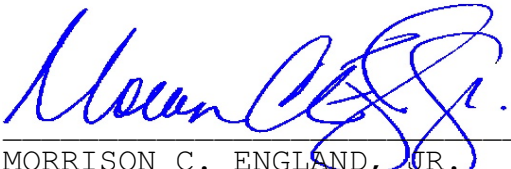
Through the present action, Plaintiff Certain Underwriters at Lloyds, London ("Lloyds") seeks rescission of a Mortgage Bankers Professional Liability Policy and Bond issued to Defendant Triduanum Financial, Inc. ("Triduanum"). The individuals named as Defendants in Lloyds' lawsuit, Johnny E. Grivette, Jr., Christopher Jared Warren, and Scott Edward Cavell, were Triduanum executives. Warren has already been dismissed as a Defendant; the defaults of Triduanum and Cavell have been taken and Lloyds represents that it will be reducing those defaults to judgment shortly.

1 Presently before the Court is a Motion to Dismiss, pursuant
2 to Federal Rule of Civil Procedure 41(a)(2), filed with respect
3 to the only other Defendant, Johnny E. Grivette, Jr.
4 ("Grivette"). The Motion is made pursuant to Stipulation between
5 Lloyds and Grivette. Grivette represents that the signature
6 purporting to be his on the policy application was forged.
7 Lloyds has agreed to dismiss Grivette from this action given his
8 agreement to forfeit and release all rights under either the
9 Policy or Bond, including any right to defense or indemnity in
10 the action entitled Taylor, Bean & Whitaker Mortgage Corp. v.
11 Triduanum Financial, Inc., et al., Case No. 2:09-cv-00954-KJM-
12 EFB.

13 Given the parties' stipulation, the lack of any opposition
14 to the Motion to Dismiss based thereon, and good causing
15 appearing, Lloyds' Motion to Dismiss (ECF No. 41) is GRANTED.¹
16 Defendant Grivette is hereby dismissed from this action, with
17 prejudice. Each party shall bear its own costs.

18 IT IS SO ORDERED.

19 Dated: April 6, 2011

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22 MORRISON C. ENGLAND, JR.
23 UNITED STATES DISTRICT JUDGE
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27 ¹ Because oral argument will not be of material assistance,
28 the Court orders this matter submitted on the briefs. E.D. Cal.
Local Rule 230(g).