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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNIVERSAL CASUALTY COMPANY,)	
)	2:11-cv-354-GEB-EFB
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
A & H EXPRESS, INC., AMANDEEP)	
SANDU, AJMER SINGH, JACKIE)	
FLETCHER, CLAYTON BAKER, ROBERT)	
NEWCOMER, DENENE DELGADO,)	
MICHAEL IRION, ESTATE OF CLAY)	
NEWCOMER, ESTATE OF DOTSIE)	
IRION, PROGRESSIVE CLASSIC)	
INSURANCE COMPANY, NATIONWIDE)	
MUTUAL INSURANCE COMPANY, 21ST)	
CENTURY INSURANCE COMPANY,)	
)	
Defendants.)	


On September 12, 2011 Plaintiff Universal Casualty Company filed a "Notice of Intent to Deposit" \$492,881.10 with the Court, in which Plaintiff states this amount "was allocated to the potential heirs of Clayton Newcomer whose rights, if any, to the \$492,881.10 remain to be determined by the Court." (ECF No. 37.) Further, on September 14, 2011 Plaintiff filed a "Stipulation for Entry of Order Enjoining Litigations or Proceedings" and a "Stipulation to Discharge Universal Casualty Company[.]" (ECF Nos. 40-41.)

However, Plaintiff has yet to deposit the referenced amount with the Clerk's Office. Therefore, it appears Plaintiff is seeking

1 "discharge" from this action before it has deposited the referenced
2 amount with the Clerk's Office. The "Stipulation to Discharge Universal
3 Casualty Company" seeks a ruling from the undersigned judge that
4 Plaintiff "is hereby discharged" even though Plaintiff has not yet done
5 what Plaintiff states it intends to do in its "Notice of Intent to
6 Deposit" filed September 12, 2011.

7 The above referenced Stipulations will not be further
8 considered until after the referenced funds are deposited with the
9 Court, or until after an explanation is provided why the Stipulations
10 should nevertheless be considered. Therefore, Plaintiff shall deposit
11 the referenced funds with the Clerk's Office within ten (10) days of the
12 date on which this order is filed, or explain in a filing due no later
13 than 4:00 p.m. on October 14, 2011, why the Stipulations should be
14 considered notwithstanding Plaintiff's failure to deposit the referenced
15 funds as stated in Plaintiff's "Notice of Intent to Deposit" filed on
16 September 12, 2011.

17 Dated: September 28, 2011

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20 _____
GARLAND E. BURRELL, JR.
United States District Judge