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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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AIG SPECIALTY INSURANCE COMPANY,
f/k/a/ CHARTIS SPECIALTY
INSURANCE COMPANY, f/k/a/
AMERICAN INTERNATIONAL SPECIALTY
LINES INSURANCE COMPANY

CIV. NO. 2:13-2578 WBS CKD

ORDER

Plaintiff,

v.

PHOENICIAN LLC and EVEREST
INDEMNITY INSURANCE COMPANY,

Defendants.


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Having heard oral argument on defendant Everest's motion to dismiss plaintiff's Second Amended Complaint (Docket No. 50), the court concludes that this matter is not susceptible to disposition on motion to dismiss under Federal Rule of Civil Procedure Rule 12(b)(6). Accordingly, plaintiff is given leave to withdraw its Second Amended Complaint and shall file a new amended complaint within 14 days from date this Order is signed.

1 The stay previously ordered on discovery (Docket No. 23) is
2 hereby lifted, and defendants shall as soon as practicable notice
3 and file a motion for summary judgment.

4 IT IS SO ORDERED.

5 Dated: January 12, 2015

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7 WILLIAM B. SHUBB
8 UNITED STATES DISTRICT JUDGE
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