Scottsdale Insurance Company v. Syngen Inc et al Doc. 28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

SCOTTSDALE INSURANCE COMPANY, Plaintiff, vs. SYNGEN, INC., PHILIP COELHO, PRINCE EMMANUEL, AND TERRENCE WOLF, Defendants.	Case No. 2:15-cv-00142-JAM-DAD **ORDER GRANTING DEFENDANTS' MOTION TO DISMISS FIRST CAUSE OF ACTION AND TO STAY SECOND CAUSE OF ACTION**

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The motion of Defendants SynGen, Inc., Philip Coelho, Prince Emmanuel, and Terrence Wolf (collectively, "Defendants") to dismiss Plaintiff Scottsdale Insurance Company's ("Scottsdale") First Cause of Action and stay Scottsdale's Second Cause of Action came on regularly for hearing on the 9:30 a.m. calendar on October 21, 2015 in Courtroom 6 of the above-entitled court, located at 501 I Street, Sacramento, California, the Honorable John A. Mendez presiding. Tyler C. Gerking and Amanda D. Hairston appeared for Defendants, and Louis H. Castoria and Sabrina Haurin appeared on behalf of Scottsdale.

Having considered the arguments of counsel, both written and oral, and for the reasons stated on the record during the October 21, 2015 hearing, and good cause appearing, the Court hereby GRANTS Defendants' Motion To Dismiss First Cause Of Action And To Stay Second Cause Of Action. Accordingly, the First Cause of Action of Scottsdale's Complaint is dismissed with prejudice, and the Second Cause of Action of Scottsdale's Complaint is stayed pending final resolution of the underlying case, *Cesca Therapeutics Inc. v. SynGen, Inc., et al.*, Case No. 2:14-cv-02085 GEB-KJN currently pending in the Eastern District of California. Defendants and Scottsdale shall submit a joint status order to the Court within ten (10) days of such final resolution.

IT IS SO ORDERED.

Dated: 10/27/2015

/s/ John A. Mendez
Hon. John A. Mendez