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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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TRAVELERS INDEMNITY COMPANY  
OF CONNECTICUT, a Connecticut  
corporation, and TRAVELERS  
PROPERTY CASUALTY COMPANY OF  
AMERICA, a Connecticut  
corporation,  
  
                    Plaintiffs,  
  
          v.  
  
KB HOME NORTH BAY, INC., a  
California corporation; KB  
HOME SACRAMENTO, INC., a  
California corporation; and  
DOES 1 through 10, inclusive,  
  
                    Defendants.

CIV. NO. 2:15-00755 WBS EFB  
  
ORDER RE: MOTION TO DISMISS  
PLAINTIFFS' CLAIM FOR EQUITABLE  
REIMBURSEMENT

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                    Plaintiffs Travelers Indemnity Company of Connecticut  
and Travelers Property Casualty Company of America brought this  
action against their insured, defendant KB Home Sacramento, Inc.

1 ("KB")<sup>1</sup> for declaratory relief, breach of contract, and equitable  
2 reimbursement. KB now moves to dismiss only plaintiffs'  
3 equitable reimbursement claim pursuant to Federal Rule of Civil  
4 Procedure 12(b)(6) on the basis that the claim is not ripe.

5 Since defendant is not asking the court to dismiss  
6 plaintiff's declaratory relief claim, the court sees no reason  
7 why plaintiffs cannot proceed on their equitable reimbursement  
8 claim at the same time. Once the court adjudicates plaintiffs'  
9 declaratory relief claim, making a determination as to whether  
10 plaintiffs have a duty to defend KB, plaintiffs' equitable  
11 reimbursement claim for defense costs will be ripe.

12 IT IS THEREFORE ORDERED that KB's motion to  
13 dismiss plaintiffs' equitable reimbursement claim be, and the  
14 same hereby is, DENIED.

15 Dated: August 12, 2015

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17 WILLIAM B. SHUBB  
18 UNITED STATES DISTRICT JUDGE

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27 <sup>1</sup> According to defendant, plaintiff erroneously sued KB  
28 Home North Bay, Inc., which is defendant's former trade name.