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28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TRAVELERS PROPERTY,

No. C 10-02757 CRB

Plaintiff,

**ORDER DENYING MOTION FOR
RECONSIDERATION**

v.

CENTEX HOMES,

Defendant.

Defendant Centex Homes moved the Court to reconsider its April 1, 2011 Order denying in part and granting in part Plaintiff Travelers's Motion for Summary Judgment. See dk. 214. Centex argued that (1) new evidence revealed a conflict of interest and (2) the Court committed clear error in finding that Travelers was prejudiced. In advance of the hearing on Centex's motion, the Court issued an Argument Order, asking Centex to be prepared to state whether it would permit Travelers to assume its defense in the underlying actions from this point forward, provided the counsel appointed by Travelers was free of conflicts. See dk. 332. At the motion hearing, Centex answered the Court's question in the affirmative. And Travelers represented that it was prepared to provide such counsel.

In light of this development, the Court finds the following. First, the motion for reconsideration is not ripe, and so it is DENIED, without prejudice. Second, the three pending motions for partial summary judgment, dk.s. 223, 232 and 242, are all VACATED,

1 as is the motion for consolidation of those motions, dkt. 300. Third, the parties are invited to
2 submit briefing on whether this case should be stayed while the underlying actions are
3 pending. The Court need not take any further action at this time.

4 **IT IS SO ORDERED.**



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6 Dated: June 6, 2011

CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

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