

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 OAKLAND DIVISION
4

5 S.J. AMOROSO CONSTRUCTION
6 COMPANY, INC., a California corporation,

7 Plaintiff,

8 vs.

9 EXECUTIVE RISK INDEMNITY, INC., a
10 Delaware Corporation,

11 Defendant.

Case No: C 06-2572 SBA

**ORDER DENYING MOTIONS TO
AMEND THE JUDGMENT AND FOR
LEAVE TO FILE MOTION FOR
RECONSIDERATION**

12 On December 16, 2009, the Court issued its order on the parties' cross-motions for
13 summary judgment. The Court granted summary judgment in favor of Plaintiff S.J. Amoroso
14 Construction Company, Inc. (Amoroso) with respect to its claim for breach of contract and
15 granted summary judgment for Defendant Executive Risk Indemnity, Inc., as to Amoroso's
16 claim for breach of the implied covenant of good faith and fair dealing. On January 11, 2010,
17 Amoroso filed a motion to amend the judgment and a motion for leave to file a motion for
18 reconsideration. (Docket 148, 152.) The Court referred the matter to a magistrate judgment
19 for a settlement conference, and held the pending motions in abeyance. The Court has been
20 advised that the case settled at the settlement conference conducted by Magistrate Judge
21 Zimmerman. (Docket 161.) Accordingly,

22 IT IS HEREBY ORDERED THAT Amoroso's motion to amend the judgment and a
23 motion for leave to file a motion for reconsideration are DENIED AS MOOT. All pending
24 matters shall be terminated.

25 IT IS SO ORDERED.

26 Dated: June 24, 2010

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28 SAUNDRA BROWN ARMSTRONG
United States District Judge