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3 UNITED STATES DISTRICT COURT  
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
5 OAKLAND DIVISION  
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7 HARTFORD FIRE INSURANCE  
8 COMPANY,

9 Plaintiff,

10 v.

11 NBC GENERAL CONTRACTORS  
12 CORPORATION, a California  
13 Corporation; MONICA UNG, an  
14 individual; and DENNIS CHOW,  
15 an individual,

16 Defendants.

Case No: C 09-5363 SBA


**ORDER**

15 On April 22, 2014, the Court granted summary judgment in favor of Hartford Fire  
16 Insurance Company ("Hartford") on its breach of indemnity agreement claim against  
17 Monica Ung ("Ung") in the amount of \$5,572,663.42. Dkt. 137. In that order, the Court  
18 directed Hartford to file a statement advising the Court of its intentions on the remaining  
19 claims alleged against Ung in the complaint. Id. On April 25, 2014, Hartford filed a  
20 statement requesting the Court dismiss the remaining claims alleged against Ung in the  
21 complaint (i.e., the second claim for specific performance, the third claim for injunctive  
22 relief, and the fourth claim for *quia timet*) without prejudice under Rule 15 of the Federal  
23 Rules of Civil Procedure. Dkt. 138. The Court construes Hartford's request as a motion to  
24 voluntarily withdraw its second, third, and fourth claims for relief under Rule 15. See Hells  
25 Canyon Preservation Council v. U.S. Forest Serv., 403 F.3d 683, 687-688 (9th Cir. 2005).  
26 The Court GRANTS Hartford's motion. The second, third, and fourth claims for relief  
27 alleged by Hartford against Ung are DISMISSED without prejudice.  
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1 In addition to requesting dismissal of the remaining claims alleged against Ung in  
2 the complaint, Hartford requests the Court enter final judgment against Ung on its breach of  
3 indemnity agreement claim. Dkt. 138. The Court finds that there is no just reason for delay  
4 in the entry of judgment against Ung on Hartford's breach of indemnity agreement claim.  
5 Fed.R.Civ.P. 54(b). Accordingly, IT IS HEREBY ORDERED that FINAL JUDGMENT is  
6 entered in favor of Hartford on its breach of indemnity agreement claim against Ung in the  
7 amount of \$5,572,663.42.

8 IT IS SO ORDERED.

9 Dated: 4/25/2014

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11 SAUNDRA BROWN ARMSTRONG  
12 United States District Judge  
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