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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, et al.,

Plaintiffs,

No. C 12-0371 PJH

v.

**ORDER GRANTING MOTION
TO DISMISS**

CENTEX HOMES, et al.,

Defendant.

_____ /

The motion of defendants Centex Homes and Newmeyer & Dillon LLP to dismiss the claims asserted against them in the second amended complaint came on for hearing before this court on September 12, 2012. Plaintiffs appeared by their counsel Raymond Brown, and defendants appeared by their counsel J. Kelby Van Patten. Having read the parties' papers and carefully considered their arguments, and good cause appearing, the court hereby GRANTS the motion as follows and for the reasons stated at the hearing.

The claims asserted by plaintiff Travelers Property Casualty Company of America ("Travelers Property") are dismissed with leave to amend. The third amended complaint shall be filed no later than October 10, 2012. The third amended complaint shall not allege any new claims or name any new parties unless Travelers Property first obtains the agreement of defendants. If such agreement is not forthcoming, any future requests for leave to amend must be made pursuant to Federal Rule of Civil Procedure 15.

The court finds that plaintiffs Travelers Indemnity Company of Connecticut, St. Paul Mercury Insurance Company, The Travelers Indemnity Company of America, St. Paul Fire

United States District Court
For the Northern District of California

1 and Marine Insurance Company, Fidelity & Guaranty Insurance Company, and Fidelity &
2 Guaranty Insurance Underwriters, Inc. were improperly added to the complaint and
3 improperly joined, given that there is no one common transaction in which each was
4 involved. Accordingly, the court hereby orders them severed from the case, for all
5 purposes. See Federal Rules of Civil Procedure 15, 20, 21. The claims asserted by those
6 plaintiffs are dismissed without prejudice to refiling in separate complaints, should they
7 choose to do so.

8 The parties shall submit a stipulation scheduling a case management conference as
9 soon as the pleadings are settled.

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11 **IT IS SO ORDERED.**

12 Dated: September 13, 2012

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PHYLLIS J. HAMILTON
United States District Judge

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