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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

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**WIN TRANSPORT, INC.,**

Plaintiff,

vs.

**CALIFORNIA FREEDOM TRANS. LLC, et al,**

Defendants.

Case No.: 14-cv-04178 YGR

**ORDER DENYING DEFENDANT NATIONAL  
INDEMNITY COMPANY'S MOTION TO DISMISS**

Re: Dkt. No. 57


On October 5, 2015, defendant National Indemnity Company ("National") filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (Dkt. No. 57.) Plaintiff filed its responsive brief on October 19, 2015. (Dkt. No. 62.) National filed its reply on October 26, 2015. (Dkt. No. 63.) The matter came on for hearing on November 10, 2015.

Having carefully considered the briefing and arguments submitted in this matter, and for the reasons set forth in full detail on the record on November 10, 2015, National's motion to dismiss is **DENIED**. To the extent any ambiguity existed with respect to plaintiff's claims against National, the Court finds that plaintiff brings its claims against National under California Insurance Code section 11580 as a judgment creditor. Plaintiff's amended complaint, to be filed no later than November 20, 2015 (*see* Dkt. No. 69), shall be consistent therewith.

This Order terminates Docket Number 57.

**IT IS SO ORDERED.**

Dated: November 10, 2015

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE