-WVG American Safety Indemnity Company v. National Union Fire Insurance C...of Pittsburgh, PA et al Doc. 58

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

AMERICAN SAFETY INDEMNITY COMPANY,

Plaintiff,

vs.

NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH,

Defendant.

CASE NO. 09cv2778 DMS (WVG)

ORDER GRANTING DEFENDANT'S MOTION FOR LEAVE TO FILE THIRD PARTY COMPLAINT

Pending before the Court is Defendant's motion for leave to file a third party complaint against Virginia Surety Company, Inc. (Doc. 56.) No opposition to the motion was filed. "The decision whether to permit impleader is left to the discretion of the trial court. . . . In deciding whether to permit impleader, a court must consider the following: (1) prejudice to the original plaintiff; (2) complication of issues at trial; (3) likelihood of trial delay; (4) timeliness of the motion to implead." *Irwin v. Mascott*, 94 F. Supp. 2d 1052, 1056 (9th Cir. 2000)(citation omitted). Consideration of these factors here weighs in favor of permitting impleader. Accordingly, Defendant's motion is granted.

IT IS SO ORDERED.

DATED: July 14, 2011

HON. DANA M. SABRAW
United States District Judge

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