

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 07-cv-00600-PAB

TRINITY UNIVERSAL INSURANCE COMPANY OF KANSAS, INC.,

Plaintiff,

v.

D.R. HORTON, INC. DENVER, d/b/a D.R. Horton-Trimark Series,
TIG INSURANCE COMPANY,
CONTINENTAL WESTERN INSURANCE COMPANY,
AMERICAN INTERNATIONAL SPECIALTY LINES INSURANCE COMPANY,
NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA,
TRAVELERS INDEMNITY INSURANCE COMPANY,
EMPLOYERS MUTUAL CASUALTY COMPANY,
MOUNTAIN STATES MUTUAL CASUALTY COMPANY,
LIBERTY MUTUAL INSURANCE COMPANY,
AMERICAN FAMILY MUTUAL INSURANCE COMPANY,
ASSURANCE COMPANY OF AMERICA,
MARYLAND CASUALTY COMPANY,
ZURICH AMERICAN INSURANCE COMPANY,
ZURICH SPECIALITIES LONDON LIMITED,
UNITED STATES FIDELITY & GUARANTY COMPANY,
ST. PAUL FIRE & MARINE INSURANCE COMPANY,
UNITED SECURITY INSURANCE COMPANY,
STATE FARM FIRE & CASUALTY COMPANY,
FULCRUM INSURANCE COMPANY, a/k/a General Security Indemnity Company of
Arizona,
INDIAN HARBOR INSURANCE COMPANY,
A.A.A. WATERPROOFING, INC.,
ARK CONSTRUCTION SERVICES, INC.,
B&D FOUNDATIONS, INC.,
BISCHOF & COFFMAN CONCRETE, LLC,
BISCHOF & COFFMAN CONSTRUCTION, LLC,
C&C SEAMLESS GUTTER COMPANY,
CONCRETE MANAGEMENT CORPORATION,
D&S LANDSCAPING LLC,
DIBO EXCAVATING, INC.,
DOVE CREEK ENTERPRISES, INC.,
FRANK'S FINISH GRADING, INC.,
FRONTIER WATERPROOFING, INC.,
J&K PIPELINE, INC.,

JEBCO HEATING & AIR CONDITIONING, INC.,
JM HARRISON MASONRY,
JOHNSON DIVERSIFIED, INC.,
JONES PLUMBING & HEATING, LLC,
KIEWIT WESTERN COMPANY CORPORATION,
KIOWA CREEK CONSTRUCTION, INC.,
LEVEL MASONRY, INC.,
LINFORD BROTHERS GLASS COMPANY,
PATTONY EXCAVATING, INC.,
R.G. INSULATION COMPANY,
SNOW'S CONCRETE FORMING, INC.,
SPECIALIST PAINT,
SPRIGG CONSTRUCTION, INC.,
T&K PAINTING, INC.,
THE COOLER CO., INC.
THOMCO DRYWALL ENTERPRISES, INC.,
Y-C CONCRETE OPTIONS, INC., and
NATIONAL FIRE INSURANCE COMPANY OF HARTFORD,
VALLEY FORGE INSURANCE COMPANY,
TWIN CITY FIRE INSURANCE COMPANY,

Defendants.

ORDER

This matter is before the Court on American Family Mutual Insurance Company's Motion to Dismiss for Lack of Diversity Jurisdiction [Docket No. 225]. Special Master Donald E. Abram filed a recommendation on January 12, 2009 [Docket No. 745] that the motion be granted.

Plaintiff Trinity Universal Insurance Company ("Trinity") filed suit against Truck Insurance Exchange ("Truck") and other defendants. Several co-defendants filed cross-claims against Truck. American Family's motion claims that Truck, as an unincorporated association, is a resident of every state and therefore destroys diversity jurisdiction.

On September 11, 2008, this Court granted Trinity's motion to dismiss Truck pursuant to a settlement agreement [Docket No. 592]. On March 16, 2009, this Court granted Truck and Mid-Century Insurance Company's Motion to Dismiss All Cross-Claims against Mid-Century Insurance Company and Truck Insurance Exchange [Docket No. 623]. The effect of these orders is that Truck is no longer a party to this case. Accordingly, it is

ORDERED that American Family's Motion to Dismiss for Lack of Diversity Jurisdiction [Docket No. 225] is DENIED as moot.

DATED March 20, 2009.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge