

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

Civil Action No. 13-cv-00079-PAB-KMT

NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA,

Plaintiff and Intervenor Defendant

v.

INTRAWEST ULC f/k/a Intrawest Corporation,
FEDERAL INSURANCE COMPANY,
NATIONAL FIRE INSURANCE COMPANY OF HARTFORD, and
CONTINENTAL CASUALTY COMPANY,

Defendants,

INTRAWEST ULC f/k/a INTRAWEST CORPORATION,

Third Party Plaintiff,

v.

WILLIS NORTH AMERICA, INC. f/k/a Willis Corroon Corporation,
WILLIS OF NEW YORK, INC.,
WILLIS INSURANCE BROKERAGE OF UTAH, INC.,
WILLIS OF NEW JERSEY, INC.,
WILLIS CONSTRUCTION SERVICES CORPORATION OF NEW JERSEY f/k/a Willis
Corroon Construction Services Corporation of New Jersey,
WILLIS CORROON CONSTRUCTION SERVICES CORPORATION OF
CONNECTICUT,
WILLIS CORROON CONSTRUCTION SERVICES CORPORATION,
WILLIS OF NEW HAMPSHIRE, INC. f/k/a Willis Corroon Corporation of New
Hampshire,
WILLIS OF MASSACHUSETTS, INC., and
JOHN DOE WILLIS ENTITY,

Third Party Defendants

v.

INTRAWEST U.S. HOLDINGS INC.,
INTRAWEST RESORTS, INC., UPPER BENCH DEVELOPMENT CORPORATION,
INTRAWEST CALIFORNIA HOLDINGS, INC.,

SIERRA STAR THREE DEVELOPMENT CORPORATION,
THE STRATTON CORPORATION, and
INTRAWEST STRATTON DEVELOPMENT CORPORATION,

Intervenor Plaintiffs.

ORDER

This matter is before the Court on Defendant and Counter-Claimant Federal Insurance Company (“Federal”) and Defendants Continental Casualty Company and National Fire Insurance Company of Hartford’s (collectively, “Continental”) Motion to Renew Joinders in Intrawest’s Motion for Summary Judgment [ECF No. 523] and Motion to Revive Same [Docket No. 640].

On October 9, 2015, Intrawest moved for partial summary judgment on the issue of the aggregate coverage limits on the National Union policies at issue in this case. Docket No. 523. On November 2, 2015, Federal filed its own motion for partial summary judgment on the same issue. Docket No. 556. Federal’s motion stated that it was joining Intrawest’s motion for partial summary judgment. *Id.* On October 30, 2015, Continental filed a joinder in Intrawest’s and Federal’s motions for partial summary judgment on the issue of aggregate coverage limits. Docket No. 550.

On December 16, 2015, National Union and Intrawest filed a notice of settlement between National Union and Intrawest, in which Intrawest withdrew its motion for partial summary judgment [Docket No. 523] on the issue of aggregate coverage limits. Docket No. 630. Federal and Continental request that “Intrawest’s motion go forward based upon their respective joinders.” Docket No. 640 at 3. National Union opposes any such

renewal or revival of Intrawest's motion. Docket No. 646 at 2. National Union states that Federal and Continental will not suffer any prejudice from denial of the instant motion because Federal filed a motion making the same arguments as Intrawest's motion, which Continental joined. *Id.*

The Court agrees with National Union. Federal and Continental have stated their positions and made their arguments regarding the aggregate policy limits in Federal's motion for partial summary judgment, which is pending before the Court. See Docket Nos. 556, 550. Federal and Continental do not identify any arguments unique to Intrawest's motion, nor any prejudice that will result if this motion is denied. For the foregoing reasons, it is

ORDERED that Federal and Continental's Motion to Renew Joinders in Intrawest's Motion for Summary Judgment [ECF No. 523] and Motion to Revive Same [Docket No. 640] is **DENIED**.

DATED January 15, 2016.

BY THE COURT:

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