

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

MILBANK INSURANCE COMPANY,)	
a South Dakota corporation,)	Case No.: 0:09-cv-03454
)	
Plaintiff,)	ORDER
v.)	
)	
S.T., et al.)	
)	
Defendants.)	

The above captioned matter came before the Honorable Chief Judge Michael Davis, United States District Court Judge, on January 21, 2011. The Court finds that it has jurisdiction to hear this matter pursuant to 28 U.S.C. § 1332, that venue is proper pursuant to 28 U.S.C. § 1391(a)(2), and that this matter is properly before the Court on a Motion for Declaratory Judgment pursuant to 28 U.S.C. § 2201. After review of the entire record and file herein, the Court finds that there are no claims against Defendant Jacob Myron in Goodhue County File Number 25-CV-10-897 that are arguably covered by Plaintiff Milbank Insurance Company's insurance policy number HMN 6129301-15. Based upon this finding, the Court issues the following Order:

1. Based on the settlements of all claims against Debra Myran and Michael Myran in the underlying action in Goodhue County, Court File Number 25-CV-10-897, the issues regarding Plaintiff's duty to defend Debra Myran and Michael Myran and duty to indemnify Debra Myran and Michael Myran are moot.

2. Plaintiff's motion for a declaratory judgment against Jacob Myron is **GRANTED.**

LET JUDGMENT BE ENTERED ACCORDINGLY

DATE: February 18, 2011

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court

Civil No. 09-3454