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11 Attorneys for Plaintiff

12 **UNITED STATES DISTRICT COURT**


13 **DISTRICT OF NEVADA**

15 ALLIED PROPERTY AND CASUALTY	)	Case No.: 2:09-cv-00626JCM-PAL
INSURANCE COMPANY, a Foreign	)	
16 corporation, individually and as subrogee	)	
for its insured Joseph M. Holohan,	)	
	)	<b>ORDER DENYING BEAZER HOMES</b>
17 Plaintiff,	)	<b>HOLDINGS CORP.'S MOTION FOR</b>
	)	<b>PARTIAL SUMMARY JUDGMENT</b>
18 v.	)	<b>UPON PLAINTIFF'S TORT CLAIMS</b>
	)	<b>FOR ECONOMIC DAMAGES AND</b>
20 BEAZER HOMES HOLDINGS CORP., a	)	<b>THE CHAMBERLAIN GROUP,</b>
Delaware corporation; THE	)	<b>INC.'S JOINDER THERETO</b>
21 CHAMBERLAIN GROUP, INC. a Illinois	)	
corporation; and DOES I through X,	)	Honorable Judge James C. Mahan
22 inclusive,	)	
	)	
23 Defendants.	)	

24 This matter having come before the Court for re-hearing on November 22, 2010, the Court  
 25 having considered the papers and all other evidence on file, including the motion, joinder,  
 26 opposition, reply, motion for reconsideration, opposition and reply and all supplements and errata's  
 27 thereto, and good cause appearing, rules as follows:  
 28

1           **IT IS HEREY ORDERED**, Defendant/Cross-Claimant/Third Party Plaintiff, Beazer  
2 Homes Holdings Corporation's Motion for Partial Summary Judgment Upon Plaintiff's Tort  
3 Claims for Economic Damages, which was joined by The Chamberlain Group, Inc., is **DENIED**  
4 in its entirety, pursuant to the evidence and arguments presented to the Court.  
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6           DATED this 9<sup>th</sup> day of December, 2010.  
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HONORABLE JUDGE JAMES C. MAHAN  
11 UNITED STATES DISTRICT COURT

12 Respectfully submitted,  
13 **CARRAWAY & ASSOCIATES, LLC**  
14

15 By: /s/ James D. Carraway  
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