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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ASSURANCE CO. OF AMERICA, et
al.,

Plaintiffs,

v.

NATIONAL FIRE & MARINE INS.
CO.,

Defendant.

2:09-CV-1182 JCM (PAL)

ORDER

Presently before the court is plaintiff Assurance Company of America’s partial motion for summary judgment. (Doc. #8).

On September 22, 2009, the motion was stayed pending resolution of defendant National Fire & Marine Insurance Company’s motion to dismiss. (Doc. #15). Although the motion to dismiss was denied, the stay on the partial motion for summary judgment was continued. (Doc. #25). Plaintiff filed a motion to lift the stay (Doc. #35), which the court denied (doc. #40).

Accordingly, the motion for partial summer judgment (Doc #8) is denied at this time. Once this court lifts the stay, and determines the parties may address the merits of a motion for summary judgment, the plaintiff may re-file its motion for partial summary judgment.

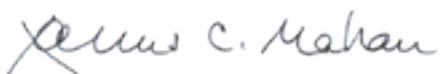
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Accordingly,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that plaintiff's motion for partial summary judgment (Doc. #8) be, and the same hereby is DENIED without prejudice.

DATED July 26, 2010.


UNITED STATES DISTRICT JUDGE