

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 EVEREST INDEMNITY INSURANCE CO.,)
9)
10 Plaintiff,)
11 vs.)
12 AVENTINE-TRAMONTI HOMEOWNERS)
13 ASS'N et al.,)
14 Defendants.)
15 _____)

2:09-cv-01672-RCJ-RJJ

ORDER

16 This is an interpleader action arising out of claims and potential claims by approximately
17 sixty Defendants against Plaintiff Everest Indemnity Insurance Co. ("Everest"). The Court has
18 granted Everest's motion for summary judgment against the Counterclaim of Rising Sun
19 Plumbing, LLC ("Rising Sun") but has denied Everest's motion for sanctions against Rising Sun
20 pursuant to Rule 11 for having brought the Counterclaim. The Court ruled that Everest's duty to
21 defend Rising Sun (and its other insureds) was discharged via Everest's interpleader of the full
22 amount remaining under the "burning limits" policy, and that the insureds need have applied to
23 the Court to reach those funds for their defenses while any amount of the funds was still
24 remaining. Rising Sun has asked the Court to reconsider. The motion includes no new facts or
law but simply reargues the issues. The Court declines to reconsider.


25 ///

1 **CONCLUSION**

2 IT IS HEREBY ORDERED that the Motion to Reconsider (ECF No. 329) is DENIED.

3 IT IS SO ORDERED.

4 DATED this 11th day of May, 2012.

5 
6 ROBERT C. JONES
7 United States District Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25