

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FORTIVE CORPORATION	:
	:
Plaintiff,	: Civil Action No. 10-CIV-0121 (JPO) (JCF)
	:
v.	: Assigned to: Hon. J. Paul Oetken, U.S.D.J.
	:
THE TRAVELERS INDEMNITY	:
COMPANY, <i>et al.</i>	:
	:
Defendants.	:
	:
v.	:
	:
ATLAS COPCO NORTH AMERICA, INC.	:
(as successor to Chicago Pneumatic Tool Company),	:
<i>et al.</i>	:
	:
Third-Party Defendants.	:

ORDER DISMISSING
DEFENDANT EMPLOYERS COMMERCIAL UNION INSURANCE COMPANY,
n/k/a/ ONEBEACON AMERICA INSURANCE COMPANY WITHOUT
PREJUDICE

WHEREAS, Bedivere Insurance Company, as successor to the interests of Lamorak Insurance Company (formerly known as OneBeacon America Insurance Company) (hereinafter “Lamorak”) is in liquidation under the Insurance Department Act of 1921 of the State of Pennsylvania (the “Liquidation Proceeding”);

WHEREAS, the Liquidation Proceeding was recognized pursuant to applicable provisions of Pennsylvania law in a March 11, 2021 order issued in *Jessica K. Altman v. Bedivere Insurance Company*, Case No.1 BIC 2021 (“Liquidation Order.”) The Liquidation Order stays all litigation against Bedivere Insurance Company (“Bedivere”) and defines Bedivere to include Lamorak;

WHEREAS, the State of New York gives full faith and credit to orders staying litigation against insurers in liquidation proceedings in other states, *see Farmland Dairies v. Barber*, 65 N.Y.2d 51 (1985); *Parker v. Hoefler* 2 N.Y. 2d 612, cert. denied 355 U.S. 833

WHEREAS, Plaintiff Fortive Corporation (“Fortive”) does not object to OneBeacon America’s dismissal from this action without prejudice and OneBeacon America has agreed that such dismissal will not prejudice Fortive’s right to pursue its claims against Bedivere in the Liquidation Proceeding;

WHEREFORE, Employers Commercial Union Insurance Company, n/k/a OneBeacon America Insurance Company is hereby dismissed as a defendant in this action without prejudice.

The motion at Docket No. 722 is denied as moot.

SO ORDERED.



J. PAUL OETKEN
United States District Judge

1/21/2022