

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:10-CV-22-RLV-DSC**

**NEW NGC, INC.,**

**Plaintiff,**

**v.**

**ACE AMERICAN INSURANCE COMPANY, ET.  
AL.,**

**Defendants.**

**ORDER**

Upon the Joint Motion of Plaintiff New NGC, Inc. (“NGC”) and Defendant Lumbermens Mutual Casualty Company (“Lumbermens”) for Voluntary Dismissal of Lumbermens, and for good cause shown, **IT IS HEREBY ORDERED ADJUDGED AND DECREED** that:

1. All claims for relief against Lumbermens seeking declaratory relief and/or recoveries related to any indemnification or reimbursement of amounts expended in investigating, handling, defending or addressing the Drywall Claims alleged in the First Amended and Supplemental Complaint (duty to defend claims) are dismissed, with prejudice; and
2. The claim for relief against Lumbermens seeking a declaration and determination that Lumbermens would be obligated to pay NGC’s legal liabilities, or sums paid in settlement of the Drywall Claims (legal liability claim) is dismissed, without prejudice.

**THEREFORE, IT IS HEREBY ORDERED THAT** the Joint Motion for Entry of Order of Dismissal (Doc. 118) is **GRANTED**. All claims against Defendant Lumbermens Mutual Casualty Company are hereby **DISMISSED WITHOUT PREJUDICE**.

Signed: March 29, 2011

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the name.

Richard L. Voorhees  
United States District Judge

