

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF OREGON

3 PORTLAND DIVISION

4 CENTURY SURETY COMPANY, an Ohio
corporation,

5 Plaintiff,

No. 03:13-cv-00054-HU

6 vs.

7 IJ, INC., an Oregon corporation;
8 IAN PAUL SIEREN; JOHN PAUL SIEREN;
and SAMUEL BRACKEEN;

**ORDER GRANTING PARTIAL
SUMMARY JUDGMENT**

9 Defendants.
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12 Thomas A. Ped
Robert W. Sargeant
13 Williams Kastner & Gibbs PLLC
888 S.W. Fifth Avenue
14 Suite 600
Portland, OR 97204-2025

15 Attorneys for Plaintiff

16
17 Christopher T. Carson
Kilmer Voorhees & Laurick, PC
18 732 N.W. 19th Avenue
Portland, OR 97209

19 Attorney for Defendant IJ, Inc.; and former Defendants
20 Ian Paul Sieren and John Paul Sieren

21 Sean W. Carney
Michael E. Farnell
22 Parsons Farnell & Grein, LLP
1030 S.W. Morrison
23 Portland, OR 97205

24 Gregory E. Price
Law Offices of Gregory E. Price, P.S.
25 605 E. McLoughlin Boulevard
Suite 202
26 Vancouver, WA 98663

27 Attorneys for former Defendant Samuel Brackeen
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BROWN, District Judge:

On June 18, 2013, the plaintiff Century Surety Company ("Century") filed a motion for partial summary judgment. Dkt. #22. In the motion, Century requested an order declaring that (1) "Century Surety Company has properly rescinded policy nos. CCP 702254 and CCP 758314 that it previously issued to IJ, Inc."; (2) "Both policies are void and of no force or effect"; and (3) Century has no duty to defend the defendants IJ, Inc.; Ian Paul Sieren; and John Paul Sieren; "against any claims or lawsuits including, but not limited to, the personal injury lawsuit asserted by Samuel Brackeen. . . ." *Id.*, p. 2.

Pursuant to the parties' previous stipulations, the defendants Ian Paul Sieren, John Paul Sieren, and Samuel Brackeen have been dismissed with prejudice from this case, leaving IJ, Inc. as the only remaining defendant. The parties now have stipulated that an order may be entered granting Century's motion for partial summary judgment. Dkt. #45. Accordingly, Century's motion for partial summary judgment (Dkt. #22) is **granted**. The court hereby declares that the two insurance policies issued by Century Surety Company to IJ, Inc., bearing policy numbers CCP 702254 and CCP 758314, were properly rescinded by Century Surety Company, and are void and of no force or effect. This resolves Century's First Cause of Action.

1 Century's Second Cause of Action, alleging IJ, Inc. made
2 material, false representations of fact that damaged Century, is
3 not resolved by this Order.

4 This order is intended to allow Century Surety to proceed with
5 a claim against IJ to recoup Century's costs in defending and
6 settling the underlying lawsuit brought by Samuel Brackeen subject
7 to IJ's defenses.

8 IT IS SO ORDERED.

9 Dated this 27th day of November, 2013.

10 /s/ Anna J. Brown

11 _____
12 ANNA J. BROWN
13 Unites States District Judge