

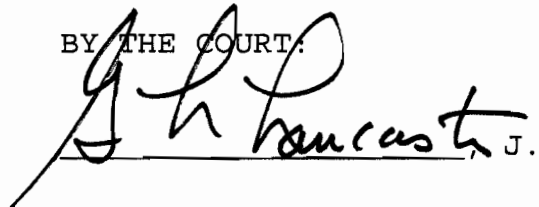
IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NATIONWIDE MUTUAL FIRE)
INSURANCE COMPANY,)
)
Plaintiff,)
)
v.) Civil Action No. 08-646
)
GEO. V. HAMILTON, INC.)
)
)
Defendant.)

ORDER

AND NOW, this 7th day of October, 2008, upon review of plaintiff's petition to compel arbitration, defendant's motion to dismiss and, in the alternative, for summary judgment, and plaintiff's response thereto, the court is under the view that Judge Wettick's June 22, 2007 decision that arbitration is not required under the June 12, 1992 Interim Claim Handling Agreement may constitute issue preclusion before this court. Therefore, IT IS HEREBY ORDERED that within 10 days of this order, the parties are to brief the issue of whether this action is barred by issue preclusion, specifically whether Nationwide Mutual Fire Insurance Company and Pennsylvania Manufacturers' Association Insurance Company are in privity relative to Judge Wettick's June 22, 2007 decision.

BY THE COURT:

 J.

cc: All Counsel of Record