

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION**

Cincinnati Insurance Company, )  
Plaintiff, ) Case No. 4:09-cv-01379-TLW-TER  
v. )  
Crossmann Communities of North )  
Carolina, Inc.; Crossmann )  
Communities, Inc.; Beazer Homes )  
Investment Corporation; and True )  
Blue Golf & Racquet Resort )  
Homeowners' Association, Inc., )  
Defendants. )  
\_\_\_\_\_  
Crossmann Communities of North )  
Carolina, Inc., Crossmann )  
Communities, Inc., and Beazer )  
Homes Investment Corporation, )  
Third-Party Plaintiffs, )  
v. )  
Harleysville Mutual Insurance )  
Company, )  
Third-Party Defendant. )  
\_\_\_\_\_  
Harleysville Mutual Insurance )  
Company, )  
Fourth-Party Plaintiff, )  
v. )  
Indiana Insurance Company, )  
Massachusetts Bay Insurance )  
Company, Regent Insurance )  
Company, Illinois Union Insurance )  
Company, Liberty Mutual Insurance )

Company, Zurich American )  
Insurance Company, )  
                          )  
Fourth-Party Defendants. )  
\_\_\_\_\_ )

## **ORDER**

Currently before this Court is the “Motion to Dismiss Third-Party Plaintiff Harleysville Mutual Insurance Company’s Fourth-Party Complaint or, in the Alternative, Motion for Summary Judgment,” filed by Fourth-Party Defendant Massachusetts Bay Insurance Company and the “Fourth Party Defendant Indiana Insurance Company’s Motion to Dismiss and for Summary Judgment.” (Docs. # 67 and 78). The South Carolina Supreme Court has issued an Opinion in a related matter concerning parties currently before this Court. Crossman Communities of North Carolina, Inc. v. Harleysville Mut. Ins. Co., --- S.E.2d ----, 2011 WL 93716 (S.C. January 7, 2011). In light of this Opinion, this Court moots the pending motions, (Docs. # 67 and 78), with the parties having a right to re-file, if they so choose, after the South Carolina Supreme Court issues a decision regarding any pending motions to reconsider its decision in the above-cited case.

**IT IS SO ORDERED.**

s/Terry L. Wooten  
United States District Judge

March 25, 2011  
Florence, South Carolina