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2 UNITED STATES DISTRICT COURT  
3 WESTERN DISTRICT OF WASHINGTON  
4 AT SEATTLE

4 NATIONAL UNION FIRE  
5 INSURANCE COMPANY OF  
6 PITTSBURGH, PA.,

6 Plaintiff,

7 v.

8 SEATTLE SCHOOL DISTRICT NO. 1,

9 Defendant.

C16-1534 TSZ

MINUTE ORDER

10 The following Minute Order is made by direction of the Court, the Honorable  
11 Thomas S. Zilly, United States District Judge:

12 (1) Plaintiff's motion for judgment on the pleadings, docket no. 18, is DENIED.  
13 For the purposes of a motion for judgment on the pleadings, "all allegations of fact of the  
14 opposing party are accepted as true" and "[t]he allegations of the moving party which have  
15 been denied are taken as false." *Austad v. United States*, 386 F.2d 147, 149 (9th Cir. 1989).  
16 Only if it appears that, on the facts so admitted, the moving party is clearly entitled to  
17 judgment as a matter of law can the motion be granted. *See id.* (citing *Walker Distributing*  
18 *Co. v. Lucky Lager Brewing Co.*, 323 F.2d 1, 3 (9th Cir. 1963)). Here, defendant denies  
19 that the policy attached to National Union's Complaint is a true, correct, and complete  
20 copy of Policy No. BE 308 48 67, Answer, ¶ 3.2, and likewise denies that the parties  
21 "mutually intended" the Sexual Abuse exclusion endorsements included in Policy Nos. BE  
22 309 11 15, BE 309 11 62, and BE 309 92 07 to use the word "insured" instead of "insurer."  
23 Answer, ¶ 1.2. Taking plaintiff's allegations to the contrary as false, plaintiff has failed to  
show that it is clearly entitled to judgment as a matter of law.

(2) The Clerk is directed to send a copy of this Minute Order to all counsel of  
record.

Dated this 13th day of June, 2017.

William M. McCool  
Clerk

s/Karen Dews  
Deputy Clerk