

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**DESIGN BASICS LLC,  
Plaintiff,**

v.

**Case No. 13-cv-1300**

**MIDWEST HOMES INC.,  
MIDWEST HOMES REALTY INC.,  
and BRIAN MCKEE,  
Defendants,**

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**CINCINNATI INSURANCE COMPANY,  
Intervening Plaintiff,**

v.

**DESIGN BASICS LLC,  
MIDWEST HOMES INC.,  
MIDWEST HOMES REALTY INC.,  
and BRIAN MCKEE,  
Defendants in Intervention.**

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**ORDER**

Movant Cincinnati Insurance Company (“Cincinnati”) has filed an unopposed motion to intervene in this matter. Cincinnati is a general liability insurer for defendants Midwest Homes Inc. and Midwest Homes Realty Inc. Defendants notified Cincinnati of this lawsuit and asked Cincinnati to defend them. Cincinnati moves to intervene under Fed. R. Civ. P. 24(a)(2) and Fed. R. Civ. P. 24(b)(1)(B) so it can seek a declaration that its policy does not require it to defend or indemnify defendants. The motion to intervene is unopposed, and I conclude that I have supplemental jurisdiction over Cincinnati’s claim under 28 U.S.C. § 1367(a) because the claim is part of the same case or controversy as the other claims in this action. Therefore, I will grant the motion to intervene.

**THEREFORE, IT IS ORDERED** that Cincinnati Insurance Company's Motion to Intervene (ECF No. 13) is **GRANTED**.

Dated at Milwaukee, Wisconsin this 14th day of October, 2014.

s/ Lynn Adelman

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LYNN ADELMAN  
District Judge