

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

-----

MARY HALEY and MICHAEL HALEY,  
LESLIE BANKS and JAMES HAL BANKS,  
ANNIE BUINEWICZ and BRIAN BUINEWICZ,  
TERRANCE McIVER AND JEAN ANN McIVER,  
SUSAN SENYK, CHRISTIAN SENYK,  
GARY SAMUELS, PATRICIA SAMUELS,  
MATTHEW DELLER, RENEE DELLER  
and MARIE LOHR, on behalf of themselves and  
all others similarly situated,

Plaintiff,

v.

KOLBE & KOLBE MILLWORK CO., INC.,

Defendant,

and

FIREMAN'S FUND INSURANCE COMPANY  
and UNITED STATES FIRE INSURANCE COMPANY,

Intervenor Defendants.

-----

Intervenor Fireman's Fund Insurance Company has filed a motion for clarification of the order dated December 10, 2014, dkt. #101, in which I granted its motion to intervene. Fireman's Fund says that the court stated incorrectly in the order that Fireman's Fund is not seeking a declaration on its duty defend or indemnify defendant Kolbe & Kolbe

Millwork Co., Inc.. Instead, the court stated that Fireman's Fund wanted only a declaration that it is entitled to choose independent counsel for defendant. As a result, Fireman's Fund "requests that this Honorable Court enter an order clarifying its December 10, 2014 Order with respect to the scope of FFIC's intervention." Dkt. #102.

Fireman's Fund is correct that its complaint includes a request for a declaratory judgment that Fireman's Fund does not have a duty to defend or indemnify defendant. However, it is not necessary to amend the December 10 order because I did not limit the scope of intervention to a particular claim or request for relief. Rather, the only limitation placed on Fireman's Fund was that it could not relitigate issues decided before it intervened. Accordingly, the motion for clarification filed by Intervenor Fireman's Fund Insurance Company, dkt. #102, is DENIED as unnecessary.

Entered this 15th day of December, 2014.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge