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FILED
 DISTRICT COURT OF GUAM
 AUG 11 2006 *nbo*
 MARY L.M. MORAN
 CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT OF GUAM

NATIONAL UNION FIRE INSURANCE)
 COMPANY of PITTSBURGH, PA.)
)
 Plaintiff,)
)
 vs.)
)
 JOHN D. QUERRY, AMBYTH SHIPPING)
 and TRADING, INC. dba AMBYTH)
 TRUCKING and PACIFIC INSURANCE)
 COMPANY)
)
 Defendants.)
 _____)

CIVIL CASE NO. 06-00017

**PACIFIC INDEMNITY INSURANCE
 COMPANY'S MOTION TO
 DISMISS**


Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Pacific Indemnity Insurance Company respectfully moves this Court to dismiss the Complaint filed in this matter for the reasons that the claims are barred by the antisubrogation rule, which prohibits an insurer from bringing a subrogation action against its insured. The grounds supporting this Motion are more fully set forth in the accompanying Memorandum in Support of Motion to

ORIGINAL

Dismiss. This Motion is further supported by the pleadings previously filed herein and by the record before this Court.

DATED this 11th day of August, 2006.

CIVILLE & TANG, PLLC

By: 

G. PATRICK CIVILLE
Attorneys for Defendant
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