

FILED

JUN 11 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SENTRY SELECT INSURANCE
COMPANY,

Plaintiff - Appellee,

v.

FIDELITY & GUARANTY INSURANCE
COMPANY,

Defendant - Appellant.

No. 04-56265

D.C. No. CV-02-01055-LSP
Southern District of California,
San Diego

ORDER

Before: HAWKINS, GRABER, and PAEZ, Circuit Judges.

The court is of the unanimous opinion that the facts and legal arguments are adequately presented in the briefs and record, and that the decisional process would not be significantly aided by oral argument.

Therefore, this matter is ordered submitted on the briefs and record without oral argument as of June 5, 2009. Fed. R. App. P. 34(a)(2).