

JUN 16 2014

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CENTURY SURETY COMPANY,

Plaintiff - Appellant,

v.

CASINO WEST, INC.,

Defendant - Appellee.

No. 10-17309

D.C. No. 3:07-cv-00636-RCJ-
RAM

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Robert Clive Jones, District Judge, Presiding

Argued and Submitted December 8, 2011
San Francisco, California

Before: LUCERO,** CALLAHAN, and N.R. SMITH, Circuit Judges.

Century Surety Company appeals the district court's denial of its motion for summary judgment on the basis that its policy exclusions were ambiguous.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The Honorable Carlos F. Lucero, Circuit Judge for the U.S. Court of Appeals for the Tenth Circuit, sitting by designation.

On April 6, 2012, we certified two questions of Nevada law to the Nevada Supreme Court: “(1) Does the pollution exclusion in Century’s insurance policy exclude coverage of claims arising from carbon monoxide exposure? (2) Does the indoor air quality exclusion in Century’s insurance policy exclude coverage of claims arising from carbon monoxide exposure?” *Century Sur. Co. v. Casino W., Inc.*, 677 F.3d 903, 905 (9th Cir. 2012).

On May 29, 2014, the Nevada Supreme Court filed its answers to the certified questions. We need not restate the facts of this case or the reasoning of the Nevada Supreme Court set forth in *Century Sur. Co. v. Casino W., Inc.*, No. 60622, 2014 WL 2396085 (May 29, 2014). Pursuant to the state high court’s opinion, we affirm the judgment of the district court.

AFFIRMED.