

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SUSAN A. PITT, Individually, as
Successor-In-Interest to Michael A.
Pitt, Decedent, on Behalf of the Estate
of Michael A. Pitt, and on Behalf of
the Class,

Plaintiff-Appellant,

v.

METROPOLITAN TOWER LIFE
INSURANCE COMPANY, a
Delaware Corporation,

Defendant-Appellee.

No. 23-55566

D.C. No.
3:20-cv-00694-
RSH-DEB

ORDER
GRANTING
MOTION TO
DISMISS AND
MOTION TO
WITHDRAW
CERTIFIED
QUESTION

Appeal from the United States District Court
for the Southern District of California
Robert Steven Huie, District Judge, Presiding

Argued and Submitted December 5, 2024
Submission Withdrawn February 20, 2025
Resubmitted August 13, 2025
Pasadena, California

Filed August 13, 2025

Before: Jay S. Bybee, Sandra S. Ikuta, and Bridget S. Bade,
Circuit Judges

COUNSEL

Jon R. Williams (argued), Williams Iagmin LLP, San Diego, California; Sarah Ball and Jack B. Winters Jr., Winters & Associates, La Mesa, California; Craig Nicholas and Alex Tomasevic, Nicholas & Tomasevic LLP, San Diego, California; Jonna Lothyan and Benjamin I. Siminou, Singleton Schreiber LLP, San Diego, California; for Plaintiff-Appellant.

Sandra D. Hauser (argued), Dentons US LLP, New York, New York; Jeffrey A. Zachman, Dentons US LLP, Atlanta, Georgia; Spencer D. Hamilton, Dentons US LLP, Dallas, Texas; Peter Stockburger, McKenna Long & Aldridge LLP, San Diego, California; for Defendant-Appellee.

ORDER

This panel asked the California Supreme Court to answer a certified question on February 20, 2025 to determine whether California Insurance Code §§ 10113.71 and 10113.72 apply to life insurance policies originally issued or delivered in another state but maintained by a policy owner in California (Dk. 69). The California Supreme Court granted the request on April 16 (Dk. 76). On July 11, while the question was still under consideration with the California Supreme Court, the parties filed a joint notice of a settlement and release agreement, asking this Court to withdraw the certified question (Dk. 78). On July 29, the parties filed a joint stipulated request for dismissal of this action with prejudice in its entirety, having reached settlement (Dk. 83).

Because the parties have settled, their joint stipulated motion for dismissal with prejudice (Dk. 83) and their joint motion to withdraw the certified question (Dk. 78) are GRANTED. Each party bears its own costs, expenses, and attorneys' fees.

The clerk of the court is directed to serve this order on the California Supreme Court.