

VIRGINIA:

IN THE CIRCUIT COURT OF ARLINGTON COUNTY

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STEADFAST INSURANCE COMPANY,	)	
	)	
Plaintiff and Counter-Defendant,	)	
	)	
v.	)	CASE NO. 2008 - 858
	)	
THE AES CORPORATION,	)	
	)	
Defendant and Counter-Plaintiff.	)	

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**ORDER**

THIS MATTER having come before the Court upon Defendant and Counter-Claimant The AES Corporation's Motion for Summary Judgment, and upon Plaintiff and Counter-Defendant Steadfast Insurance Company's Renewed (Cross-Motion) For Summary Judgment Based Upon New Legal Authorities and AES Concessions; and the Court having reviewed the submissions, and heard the argument of the parties:

It is hereby **ORDERED** and **ADJUDGED** that The AES Corporation's Motion for Summary Judgment is **DENIED**;

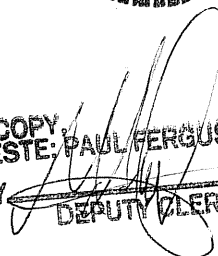
It is hereby **ORDERED** and **ADJUDGED** that Steadfast Insurance Company's Renewed (Cross Motion) For Summary Judgment Based Upon New Legal Authorities and AES Concessions is **GRANTED**;

And, it is still further **ORDERED** and **DECREED** that declaratory judgment be entered that Steadfast has no duty to defend AES in connection with the underlying *Kivalina* litigation because no “occurrence” as defined in the policies has been alleged in the underlying Complaint.

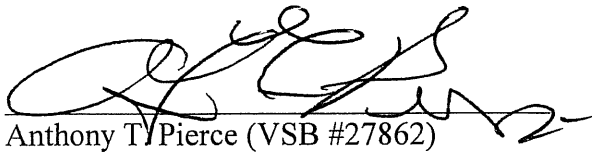
Entered this 5<sup>th</sup> day of February, 2010

  
Judge, Arlington County Circuit Court



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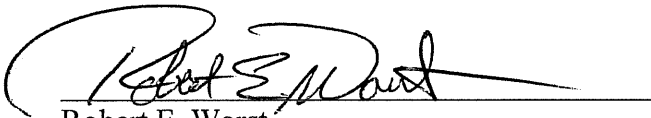
Seen and objected to for the reasons set forth in the pleadings and at oral argument:



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SEEN AND AGREED:



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