

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LSG TECHNOLOGIES, INC., f/k/a LOMA	§	
ALTA CORPORATION AND LONGHORN	§	
GASKET AND SUPPLY COMPANY,	§	
	§	
<i>Plaintiff,</i>	§	CIVIL ACTION NO. 2:07-cv-00399
v.	§	
	§	
UNITED STATES FIRE INSURANCE	§	
COMPANY,	§	
	§	
<i>Defendant.</i>	§	

ORDER ADOPTING REPORT AND RECOMMENDATION

Currently before the Court is the Second Report and Recommendation (Dkt. No. 480) filed by Court-Appointed Special Master Kendall regarding (1) Interveners Trinity Lloyd’s Insurance Company and Trinity Universal Insurance Company’s (“Trinity”) Fourth Motion for Partial Summary Judgment (Dkt. No. 461) and Defendant United States Fire Insurance Company’s (“US Fire”) Cross Motion (Dkt. No. 465); (2) US Fire’s Motion for Partial Summary Judgment against Trinity on Subrogation (Dkt. No. 462); and (3) US Fire’s Objections to the Documents Supporting Trinity’s Fourth Motion for Partial Summary Judgment (Dkt. No. 464). US Fire’s Objections to the Second Report were not timely filed.¹

For the reasons set forth in the Second Report and Recommendation, the Recommendation is adopted. Accordingly, the Court **ORDERS** the following:

1. Trinity’s Fourth Motion for Partial Summary Judgment (Dkt. No. 461) is **GRANTED-**


¹ In the Court’s Order issued on September 1, 2015, the Court ordered that “[a]ny written objections or comments on the Special Master’s report and recommendation are to be filed ten business days from the signing of this order.” (Dkt. No. 481.) Ten business days from September 1, 2015, fell on September 15, 2015. US Fire filed its objections on September 16, 2015.

IN-PART as to settlement payments. Trinity is entitled to \$903,638.52 from US Fire.

2. Trinity's Fourth Motion for Partial Summary Judgment (Dkt. No. 461) is **DENIED-IN-PART** as to defense costs premised on a duty to defend.
3. Trinity's Fourth Motion for Partial Summary Judgment (Dkt. No. 461) is **GRANTED-IN-PART** as to defense costs premised on a duty to indemnify. Trinity is entitled to \$1,564,334.47 from US Fire.
4. US Fire's cross motion for summary judgment (Dkt. No. 465) is **GRANTED-IN-PART** and **DENIED-IN-PART** in accordance with the above Orders regarding Dkt. No. 461.
5. US Fire's Motion for Summary Judgment on Subrogation (Dkt. No. 462) is **DENIED**.
6. US Fire's Objections to the Evidence submitted by Trinity in support of Trinity's Fourth Motion (Dkt. No. 464) is **OVERRULED**.

So Ordered and Signed on this

Oct 9, 2015



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE