

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CATLIN SPECIALTY INSURANCE CO.,	:	
	:	CIVIL ACTION
<i>Plaintiff/Counterdefendant,</i>	:	
v.	:	
	:	
J.J. WHITE, INC.,	:	No. 14-1255
	:	
<i>Defendant/Counterplaintiff,</i>	:	
	:	
SUNOCO, INC., <u>et al.</u>,	:	
	:	
<i>Counterplaintiffs.</i>	:	

ORDER

AND NOW, this 26th day of February, 2018, upon consideration of the “Motion for Summary Judgment” filed by Plaintiff Catlin Specialty Insurance Company (“Plaintiff”) (Doc. No. 67), and the “Amended Motion for Summary Judgment or, Alternatively, Partial Summary Judgment” filed by Defendant/Counterplaintiff J.J. White, Inc. (“J.J. White”) and Counterplaintiffs Sunoco, Inc. and Sunoco, Inc. (R&M) (Doc. No. 108), and the respective responses and replies to each, and for the reasons set forth in this Court’s accompanying Memorandum Opinion, it is hereby **ORDERED** that:

- Plaintiff’s “Motion for Summary Judgment” (Doc. No. 67) is **DENIED**.
- J.J. White and Sunoco’s “Amended Motion for Summary Judgment or, Alternatively, Partial Summary Judgment” (Doc. No. 108) is **GRANTED IN PART AND DENIED IN PART**. The Motion is **GRANTED** as to: (1) J.J. White and Sunoco’s claim that Plaintiff breached its duty to defend them; and (2) Sunoco’s claim that it is an additional insured. In all other respects, J.J. White and Sunoco’s Motion is **DENIED**.

- A separate order shall issue scheduling a telephone conference to discuss a trial schedule and other pretrial matters.

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.