

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 09-15145  
\_\_\_\_\_

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MAY 18, 2010 JOHN LEY CLERK
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D. C. Docket No. 07-22656-CV-JAL

RESIDENCES AT OCEAN GRANDE, INC.,

Plaintiff-Appellant,

versus

ALLIANZ GLOBAL RISKS US INSURANCE COMPANY,  
f.k.a. Allianz Insurance Company,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Southern District of Florida

\_\_\_\_\_  
(May 18, 2010)

Before BIRCH and MARCUS, Circuit Judges, and HODGES,\* District Judge.

PER CURIAM:

In this insurance dispute, plaintiff the Residences at Ocean Grande, Inc.

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\* Honorable Wm. Terrell Hodges, United States District Judge for the Middle District of Florida, sitting by designation.

(ROG), appeals the grant of summary judgment in favor of defendant Allianz Global Risks US Insurance Co. (Allianz). The district court had granted final summary judgment in favor of Allianz because ROG's claim for reimbursement was foreclosed both by the insurance contract's fungi exclusion endorsement and by its defective materials exclusion. We affirm the entry of final judgment in favor of Allianz. We do so based on the well-reasoned and thorough order of the district court, dated September 9, 2009, and the Report and Recommendation of the magistrate judge, dated June 3, 2008, and adopted by the district court on July 3, 2008.

**AFFIRMED.**