

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

July 25, 2008

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No. 07-60388  
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Charles R. Fulbruge III  
Clerk

CERTAIN UNDERWRITERS AT LLOYDS LONDON, subscribing to policy  
UP01US361029,

Plaintiff - Appellee,

v.

MAGNOLIA MANAGEMENT CORPORATION; BRANDON LIVING  
CENTER, LLC, doing business as Brandon Court; RANKING COMMUNITY  
CARE CENTER, LLC, doing business as Brandon Court; BRANDON  
COURT, LLC; SANDRA CHAMPION BALL; MELISSA JOHNSTON; TRACY  
ROBINSON GARCIE; COLLEEN CAMP,

Defendants - Appellants.

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Appeal from the United States District Court  
for the Southern District of Mississippi, Jackson  
3:04-CV-540  
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Before HIGGINBOTHAM, DAVIS, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

We have carefully reviewed the record, considered the briefs of the parties  
and argument of counsel. Essentially for the reasons stated by the district court  
in its careful Memorandum Opinions and Orders of June 2, 2005 and August 23,

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not  
be published and is not precedent except under the limited circumstances set forth in 5TH CIR.  
R. 47.5.4.

2006, we agree with the district court's conclusion that appellants' policy provided no coverage to appellants. We, therefore, affirm the district court's declaratory judgment.

Because we are unable to determine from the record whether appellee has discharged any duty it may have to pay appellants' cost of defense incurred prior to the district court's no coverage ruling, we remand this case to the district court to resolve this issue and render judgment accordingly.

AFFIRMED.

REMANDED.