

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 08a0077n.06

Filed: January 24, 2008

No. 07-5241

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

JACO AIRFIELD CONSTRUCTION, INC.

Plaintiff-Appellant,

v.

On Appeal from the
United States District Court for
the Western District of Tennessee

NATIONAL TRUST INSURANCE COMPANY

Defendant-Appellee.

Before: KENNEDY, MARTIN, COLE, Circuit Judges.

PER CURIAM. JACO Airfield Construction, Inc. appeals the district court's January 29, 2007 decision denying its motion for summary judgment and granting National Trust Insurance Company's motion for summary judgment on the issue of whether National Trust had a duty to defend and indemnify JACO in a suit regarding JACO's work at the Memphis Shelby County Airport.

The district court's opinion carefully analyzed the allegations of the airport's complaint against JACO and concluded that those allegations arise from a scenario not covered by JACO's insurance policy from National Trust. We have carefully read the airport's complaint, JACO's insurance policy, the applicable law, as well as the parties' briefs, and we agree that the coverage JACO purchased does not include the liability it is now facing. We therefore AFFIRM the District Court's grant of summary judgment for the reasons stated in the District Court's opinion.