

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 10-2098

J. D. Ashley Sr. Family
Limited Partnership; Richard
H. Ashley; J. D. Ashley, Jr.,

Appellants,

v.

Valley Forge Insurance Company;
Continental Casualty Company,

Appellees.

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* Appeal from the United States
* District Court for the Eastern
* District of Arkansas.
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* [UNPUBLISHED]
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Submitted: October 5, 2010
Filed: October 7, 2010

Before LOKEN, MURPHY, and BENTON, Circuit Judges.

PER CURIAM.

J.D. Ashley, Sr. Family Limited Partnership, Richard Ashley, and J.D. Ashley, Jr., appeal from the district court’s¹ adverse grant of summary judgment in their breach-of-contract and tort action. After reviewing the record de novo, see TNT Speed & Sport Ctr. v. Am. States Ins. Co., 114 F.3d 731, 732 (8th Cir. 1997), we

¹The Honorable James M. Moody, United States District Judge for the Eastern District of Arkansas.

conclude that the district court properly granted summary judgment. Specifically, we agree with the district court that, based on the allegations in a state court suit brought against appellants in connection with their conduct towards one of their partners, appellees had no duty to defend appellants against that lawsuit under the terms of the insurance policies at issue. Accordingly, we affirm. See 8th Cir. R. 47B.
