

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

QBE INSURANCE CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 10-456-CG-N
)	
ESTES HEATING & AIR CONDITIONING, INC.,)	
)	
Defendant.)	

DECLARATORY JUDGMENT

In accordance with the court’s order entered this date granting plaintiff’s motion for summary judgment, it is hereby **ORDERED, ADJUDGED, and DECREED** that judgment is entered in favor of plaintiff, **QBE Insurance Corporation**, and against **Estes Heating & Air Conditioning, Inc.**, and it is hereby **DECLARED** as follows:

The CGL Policy issued to Estes Heating & Air Conditioning, Inc. by QBE Insurance Corporation does not afford coverage for the underlying suits¹ and QBE Insurance Corporation has no duty to defend or indemnify Estes Heating & Air Conditioning, Inc. in those suits.

DONE and ORDERED this 8th day of February, 2012.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE

¹ The underlying suits consist of two lawsuits filed in the Circuit Court of Mobile County, Alabama: Diges E. Little, et al. v. The Mitchell Company, Inc., et al., CV-09-901153, and Robert W. Henderson, et al. v. The Mitchell Company, Inc., et al., CV-2009-901381 which have been consolidated with another civil case Housing Authority of the City of Prichard v. The Mitchell Company, Inc., et al., CV-09-901118.