

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

HEARTLAND CATFISH)	
COMPANY, INC., <u>et al.</u>,)	
)	
Plaintiffs,)	
)	
vs.)	CIVIL ACTION NO. 15-368-CG-M
)	
NAVIGATORS SPECIALTY)	
INSURANCE COMPANY,)	
)	
Defendant.)	

ORDER

This matter is before the Court on the parties' joint motion for the Court to withdraw its order regarding summary judgment (Doc. 165) and the parties brief in support (Doc. 167). This Court previously found that the slight value of preserving this Court's summary judgment ruling on questions of Pennsylvania contract law is strongly outweighed by the benefits to the parties in settling the litigation and to the public in preserving judicial resources. The parties did not request that any action be taken with regard to the judgment (Doc. 152), which was entered in accordance with the summary judgment order. This Court stated that, pursuant to authority granted in FED. R. CIV. P. 62.1(a)(3), this Court would grant the parties motion, and withdraw the summary judgment order, entered May 15, 2017 (Doc. 151), if the Court of Appeals remanded the case for that purpose.

By mandate issued March 23, 2018, the Eleventh Circuit granted the parties' motion to remand the case to this Court for withdrawal of the order, and dismissed

the appeal (Doc. 169).

In view of the above, the **summary judgment order, enter May 15, 2017** (Doc. 151) is hereby **WITHDRAWN** and the judgment entered in this case on May 16, 2017, dismissing the case with prejudice, remains in place.

DONE and **ORDERED** this 3rd day of April, 2018.

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