

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

GENESIS INSURANCE COMPANY PLAINTIFF

v. No. 4:16-cv-880-DPM

LITTLE ROCK SCHOOL DISTRICT DEFENDANT/
CROSS CLAIMANT

SHERRY PETTY, Administrator of the Estate
of Malik Lewis, Deceased DEFENDANT/
CROSS DEFENDANT

JUDGMENT

1. The Court enters judgment for Genesis Insurance Company against Sherry Petty, Administrator of the Estate of Malik Lewis, Deceased, on Counts 1 and 2 of Genesis's complaint. The Court declares that Genesis has no obligation to defend or indemnify the Little Rock School District in connection with *Sherry A. Petty On Behalf of the Estate of Malik Lewis, deceased, v. Little Rock School District*, No. 60CV-13-951, in the Circuit Court of Pulaski County, Arkansas, unless and until the District satisfies the \$300,000 retained limit under the District's liability insurance policy with Genesis. The District's policy with Genesis does not obligate Genesis to indemnify the District for damages awarded, settlement made, or any other ultimate net loss

as defined in the policy, in excess of the policy limit of \$1,000,000 for this occurrence. Counts 3-5 of Genesis's complaint are dismissed without prejudice.

2. The Court also enters judgment for the District on its crossclaim against Petty. The Court declares that the District is immune from liability and from suit in *Sherry A. Petty On Behalf of the Estate of Malik Lewis, deceased, v. Little Rock School District*, No. 60CV-13-951, in the Circuit Court of Pulaski County, Arkansas, except up to the \$25,000 in motor vehicle accident coverage required by Arkansas law, and for any amount Genesis becomes obligated to pay under the District's policy.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

26 July 2017