

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 06-20953-CIV-LENARD/TORRES

**CITY OF ST. PETERSBURG,  
a Florida municipality, et al.,**

Plaintiffs,

vs.

**TOTAL CONTAINMENT, INC.,  
a Pennsylvania corporation, et al.,**

Defendants.

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**ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION (D.E. 680), GRANTING AIG COMMERCIAL  
INSURANCE COMPANY OF CANADA f/k/a COMMERCE & INDUSTRY  
INSURANCE COMPANY OF CANADA'S MOTION FOR PARTIAL SUMMARY  
JUDGMENT (D.E. 379) AND DENYING AS MOOT MOTION FOR SEPARATE  
TRIAL (D.E. 581)**

**THIS CAUSE** is before the Court on the Report and Recommendation issued by U.S. Magistrate Judge Edwin G. Torres on March 3, 2009 ("Report," D.E. 680), recommending that the Motion for Partial Summary Judgment filed by AIG Commercial Insurance Company of Canada<sup>1</sup> ("AIG"), on January 14, 2008 (D.E. 379), be granted in its entirety and that AIG's Motion for Separate Trial (D.E. 581) filed on April 1, 2008, be denied as moot. Therein,

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<sup>1</sup> On February 19, 2009, the Court granted Commerce & Industry Insurance Company of Canada's Motion to Amend Party Name to AIG Commercial Insurance Company of Canada. (See D.E. 676.)

Plaintiffs were provided ten (10) days to file objections to the Report. Failure to file objections timely shall bar the parties from attacking on appeal the factual findings contained in the report. See Resolution Trust Corp. v. Hallmark Builders, Inc., 996 F.2d 1144, 1149 (11th Cir. 1993). As the March 20, 2009, deadline for filing objections to the Report has passed and no parties have filed objections, it is hereby:

**ORDERED AND ADJUDGED** that:

1. The Report of the Magistrate Judge (D.E. 680) is **ADOPTED consistent with this Order;**
2. AIG's Motion for Partial Summary Judgment, filed on January 14, 2008 (D.E. 379), is **GRANTED.**
3. AIG's Motion for Separate Trial, filed on April 2, 2008 (D.E. 581), is **DENIED AS MOOT.**

**DONE AND ORDERED** in Chambers, at Miami, Florida, this 15th day of April, 2009.

  
**JOAN A. LENARD**  
**UNITED STATES DISTRICT JUDGE**