

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES FIDELITY AND GUARANTY)		
COMPANY,)		
Plaintiff,)		
v.)		No. 07 C 3179
)	
SHORENSTEIN REALTY SERVICES, L.P., et al.,)		Judge Bucklo
)	
Defendants.)		Magistrate Judge Nolan

**SHORENSTEIN AND NATIONAL UNION’S MOTION FOR
ENTRY OF JUDGMENT PURSUANT TO RULE 58**

On May 11, 2011, this Court issued a Memorandum Opinion and Order (Docket Nos. 340 and 341) with regard to the pending cross-motions for summary judgment on damages with regard to National Union Fire Insurance Company of Pittsburgh, P.A. (“National Union”), SRI Michigan Avenue Venture, LLC, SRI Michigan Avenue Management, Inc., Shorenstein Realty Services, L.P., Shorenstein Management, Inc., Shorenstein Company, LLC (collectively, “Shorenstein”), United States Fidelity & Guaranty Company (“USF&G”) and American Motorists Insurance Company (“AMICO”). The Court entered judgment at Docket No. 342, including a money judgment in favor of National Union and Shorenstein.

National Union and Shorenstein are concerned that the Seventh Circuit will find that Docket No. 342 is not a final decision pursuant to 28 USCA §129, due to many issues that were decided by the Court throughout this litigation. *Rush University Medical Center v. Leavitt*, 535 F.3d 735 (7th Cir. 2008). For example, the Judgment Order at Docket No. 342, does not reference or include the stipulation between National Union, Shorenstein, USF&G, and AMICO regarding the dismissal of claims for bad faith. (Docket No. 275). Similarly, the Judgment Order does not reference or include this Court’s previous order entering summary judgment in favor of

USF&G and against Defendants 175 E. Delaware Homeowner's Association and Mt. Hawley Insurance Co. (collectively, "HOA"). (Docket Nos. 231 and 231).

Therefore, National Union and Shorenstein respectfully suggest that an order in the form of the draft judgment order submitted by National Union and Shorenstein be entered in order to conclude that all claims as to all parties have been resolved and that judgment is final, appealable, and/or enforceable.

The parties are presently jointly working on a final version of a judgment order, and will present it to the Court pursuant the Court's standing order.

WHEREFORE, Defendants, Counter-Plaintiffs and Third-Party Plaintiffs National Union and Shorenstein request that the Court enter the proposed judgment order.

Respectfully submitted,

PURCELL & WARDROPE, CHTD.

/s/ Michael D. Sanders, Esq. _____
Thomas B. Underwood, Esq.
Michael D. Sanders, Esq.
One of the Attorneys for National Union Fire
Insurance Company of Pittsburgh, PA.;
SRI Michigan Avenue Venture, LLC;
Shorenstein Realty Services, L.P.;
Shorenstein Management, Inc.;
SRI Michigan Avenue Management, Inc.; and
Shorenstein Company, LLC.

PURCELL & WARDROPE, CHTD.

10 S. LaSalle Street, Suite 1200

Chicago, IL 60603

Tel: (312) 427-3900

Fax: (312) 427-3944

TBU@pw-law.com

MDS@pw-law.com

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