

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED FIRE & CASUALTY COMPANY,

Plaintiff,

v.

THIEMS CONSTRUCTION COMPANY, INC.,  
ALLIED WASTE TRANSPORTATION, INC., and  
JAMES C. FOWLER,

Defendants,

and

ROXANA LANDFILL, INC.,

Defendant/Third-Party Plaintiff

v.

TERRY THIEMS and TAD THIEMS,

Third-Party Defendants.

Case No. 11-cv-470-JPG-PMF

**MEMORANDUM AND ORDER**

This matter comes before the Court on the motion for entry of judgment (Doc. 111) and motion to confirm settlement and for final judgment (Doc. 116) filed by plaintiff United Fire & Casualty Company (“United Fire”). The Court has also considered other related filings by Allied Waste Transportation, Inc. (“Allied Waste”) and Roxana Landfill, Inc. (“Roxana”) (Docs. 112, 114 & 117). Based on the positions taken in those filings, the Court:

- **REINSTATES** United Fire’s motion for recovery of defense costs already paid (Doc. 101), which the Court has construed as a motion for summary judgment;
- **GRANTS in part** and **DENIES in part** United Fire’s motion for summary judgment (Doc. 101). The motion is granted as to the issue of liability for the reasons set forth in

the Court's December 7, 2012, order (Doc. 100) and denied as moot as to the amount of damages in light of the parties' settlement of that issue;

- **FINDS** that Roxana and United Fire have settled and stipulated to the amount of damages to be awarded for recovery of defense costs already paid: \$250,334.02 (Doc. 116 & 117);
- **GRANTS** United Fire's motion for entry of judgment (Doc. 111) and motion to confirm settlement and for final judgment (Doc. 116); and
- **DIRECTS** the Clerk of Court to enter judgment accordingly.

**IT IS SO ORDERED.**  
**DATED: May 31, 2013**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**