

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION at LEXINGTON

CIVIL ACTION NO. 5:10-301-KKC

TRAVELERS CASUALTY INSURANCE COMPANY  
OF AMERICA on behalf of Johnny Palumbo, II,  
doing business as Brookview Apartments,

PLAINTIFF

v.

**MEMORANDUM OPINION AND ORDER**

VOLUNTEERS OF AMERICA KENTUCKY, INC.  
and DENA SELLERS,

DEFENDANTS

\* \* \* \* \*

This matter is before the Court on Plaintiff's Motion for Partial Summary Judgment. [DE 58]. Plaintiff's Motion for Partial Summary Judgment on the issue of liability relies on excluding Defendant's expert witness, Robert Russell. [DE 58 at 4]. In a Memorandum Opinion and Order entered contemporaneously with this Order, the Court denied Plaintiff's motion to exclude Russell's testimony.

Accordingly, because there is a genuine dispute of material fact, Plaintiff's Motion for Partial Summary Judgment [DE 58] is **DENIED**.

**So ORDERED**

Dated this 21<sup>st</sup> day of August, 2012.



**Signed By:**

**Karen K. Caldwell**

**United States District Judge**