

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION  
LEXINGTON

Civil Action No. 11-334-HRW

THE OHIO CASUALTY COMPANY,

PLAINTIFF,

v.

BARBARA COX, *et al.*,

DEFENDANTS,

v.

JERRY HENRY, *et al.*,

THIRD-PARTY DEFENDANTS.

ORDER

This matter is before the Court upon Plaintiff Ohio Casualty Company's Renewed Motions for Partial Summary Judgment [Docket Nos.120 and 121], Third-Party Defendants' Motion for Summary Judgment [Docket No. 122], Defendant Barbara Cox's Motion to Dismiss [Docket No. 125] as well as the Affidavits in support of the fee requests of Plaintiff and Third-Party Defendants [Docket Nos. 117 and 118]. The motions were referred to Magistrate Judge Robert E. Wier.

Magistrate Judge Wier filed his Report and Recommendation [Docket No. 133] wherein he recommends that Plaintiff Ohio Casualty Company's Renewed Motions for Partial Summary Judgment and Third-Party Defendants' Motion for Summary Judgment be sustained and Defendant Barbara Cox's Motion to Dismiss be overruled. With regard to sanctions, Magistrate Judge Weir recommends that the Third-Party Defendant's be awarded \$17,212.50.

Defendant Barbara Cox filed Objections to the Report and Recommendation. However, her submission contains no factual or legal argument which would call into question Judge

Weir's findings. After carefully considering the record, the Court finds the report and recommendation well taken and shall adopt the same as and for its own opinion,

Accordingly, **IT IS HEREBY ORDERED:**

(1) the Report and Recommendation [Docket No. 133] is hereby **APPROVED** and **ADOPTED** as and for the Court's opinion;

(2) Plaintiff Ohio Casualty Company's Renewed Motions for Partial Summary Judgment [Docket Nos.120 and 121] be **SUSTAINED**;

(3) Third-Party Defendants' Motion for Summary Judgment [Docket No. 122] be **SUSTAINED**;

(4) Defendant Barbara Cox's Motion to Dismiss [Docket No. 125] be **OVERRULED**;  
and

(5) Pursuant to this Court's Order of September 25, 2014, Defendant Barbara Cox pay to the Third-Party Defendants the amount of \$17,212.50, due immediately.

This 22<sup>nd</sup> day of September, 2015.



**Signed By:**

**Henry R. Wilhoit, Jr.**

**United States District Judge**