

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANAPAN AMERICAN LIFE INSURANCE
CO., INDIVIDUALLY AND AS A
PARTNER IN PANACON

CIVIL ACTION

VERSUS

NO: 13-5027

LOUISIANA ACQUISITIONS CORP.
AND INTER-CONTINENTAL
HOTELS CORP.

SECTION: "A" (3)

ORDER AND REASONS

The following motions are before the Court: **Motion for Entry of Final Judgment and Stay of Proceedings (Rec. Doc. 417)**, and **Motion to Stay Motion for Summary Judgment (Rec. Doc. 428)** filed by Plaintiff, Pan American Life Insurance Co. ("PALIC"); **Motion to Reopen Case (Rec. Doc. 420)**, and **Motion for Summary Judgment on Counterclaims (Rec. Doc. 423)** filed by Defendants, Inter-Continental Hotels Corp. and Louisiana Acquisitions Corp. ("Defendants"). The motions are before the Court on the briefs without oral argument.

On August 21, 2017, the Court issued its Order and Reasons granting Defendants' motions for summary judgment on all of PALIC's remaining claims. (Rec. Doc. 415). The Court entered a judgment the next day in favor of Defendants and closed the case. (Rec. Doc. 416). PALIC filed a notice of appeal. (Rec. Doc. 418). Counsel for Defendants then contacted the Court to point out that Defendants had unadjudicated counterclaims pending in this case that were now ripe for decision. The Court instructed

counsel for Defendants to move to reopen the case. Defendants have now filed their motion to reopen the case as well as a motion for summary judgment on their counterclaims. Defendants assert that every finding necessary to relief in their favor is contained in the Court's Order and Reasons granting summary judgment.

PALIC, on the other hand, moves to certify the judgment previously entered as a final judgment so that PALIC can continue with its appeal. PALIC also moves to stay the proceedings as to Defendants' counterclaims pending the outcome of the appeal.

The Court finds PALIC's position to be the more persuasive one.

Accordingly;

IT IS ORDERED that the **Motion for Entry of Final Judgment and Stay of Proceedings (Rec. Doc. 417)** filed by Plaintiff, Pan American Life Insurance Co. is **GRANTED**. The Court expressly determines that there is no just reason for delay and therefore directs that the judgment entered on August 22, 2017 (Rec. Doc. 416) shall constitute a final judgment as to all claims asserted in this action by Plaintiff;

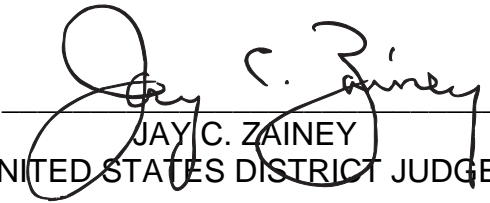
IT IS FURTHER ORDERED that the **Motion to Reopen Case (Rec. Doc. 420)** filed by Defendants is **DENIED**. The case will remain closed pending the outcome of the appeal without prejudice to Defendants' right to pursue their counterclaims after the appellate court rules. Either party can move to reopen the case once the appellate court's mandate is issued;

IT IS FURTHER ORDERED that the **Motion for Summary Judgment on Counterclaims (Rec. Doc. 423)** filed by Defendants is **DISMISSED AS PREMATURE**;

IT IS FURTHER ORDERED that the **Motion to Stay Motion for Summary**

Judgment (Rec. Doc. 428) filed by PALIC is DENIED AS MOOT.

October 25, 2017



JAY C. ZAINY
UNITED STATES DISTRICT JUDGE