

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

FEDERAL INSURANCE COMPANY

CIVIL ACTION

VERSUS

NO. 03-385-BAJ-CN

NEW HAMPSHIRE INSURANCE
COMPANY**RULING**

The court has carefully considered the petition, the record, the law applicable to the action, and the Report and Recommendation of United States Magistrate Judge Christine Noland, dated July 30, 2010 (doc. 63). Plaintiff, Federal Insurance Company (“Federal Insurance”), has filed an objection to the Report and Recommendation (doc. 66), and plaintiff, New Hampshire Insurance Company (“New Hampshire Insurance”), has responded to the objection (doc. 69).

Defendant objects to the Magistrate Judge’s finding that the \$990,000 payment made by Federal Insurance to Thomas & Betts Corporation (“T&B”) was not covered under the policy of insurance issued by New Hampshire Insurance because it was a reimbursement for “economic damages stemming from a breach of contract, rather than bodily damages resulting from a tortious act” (doc. 66, p. 5 (quoting doc. 63, p. 10)). Defendant argues in its objection that such a finding “completely ignores the Affidavit submitted by Michael Geiger” (*id.* (citing doc. 56-2, pp. 1-6)). The Court, however, finds nothing in the affidavit that contradicts the

findings of the Magistrate Judge, and further finds that defendant's objection merely restates legal arguments already addressed by the Magistrate Judge's Report and Recommendation and does not require de novo findings under 28 U.S.C. § 636.

The court hereby approves the Report and Recommendation of the Magistrate Judge and adopts it as the court's opinion herein.

CONCLUSION

Accordingly, the motion by defendant, New Hampshire Insurance Company, for summary judgment (doc. 50) is hereby **GRANTED**, and judgment shall be entered in favor of defendant, dismissing this action. The motion by plaintiff, Federal Insurance Company, for oral argument (doc. 60) is hereby **DENIED** as moot.

Baton Rouge, Louisiana, August 31, 2010.



BRIAN A. JACKSON
UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA