

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

ROBERT A. CASERO, JR., ET AL.

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v.

Civil No. – JFM-17-2165

CHICAGO TITLE INSURANCE CO, ET AL.

MEMORANDUM

Plaintiff asserts in this action that Chicago Title Insurance Company and its successor, Fidelity National Title Group, Inc., had a duty to defend them in an action instituted against them by John S. McNulty and Carolyn A. McNulty in the United States District Court for the District of Maryland. Defendants have filed a motion to dismiss. The motion will be granted.

It is clear that the suit instituted by the McNultys was not an attack upon the land covered by Chicago Title’s insurance policy. Rather, the McNultys’ action was based upon the allegation that the sellers claimed that they owned land more extensive than that covered by the policy. Indeed, the McNultys alleged in their action that the land covered by the policy was properly defined. Accordingly, defendants had no duty to defend the action instituted by the McNultys.

A separate order dismissing the complaint is being entered herewith.

Date: August 30, 2017

J. Frederick Motz
J. Frederick Motz
United States District Judge

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