

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLANDChambers of  
**GEORGE L. RUSSELL, III**  
United States District Judge101 West Lombard Street  
Baltimore, Maryland 21201  
410-962-4055

February 12, 2018

MEMORANDUM TO COUNSEL RE: Robert A. Casero, Jr., et al. v. Chicago Title Insurance Company, et al.  
Civil Action No. GLR-17-2165

Dear Counsel:

Pending before the Court is Plaintiffs Robert A. Casero, Jr. and Catherine Mary Hattenburg's Motion for New Trial or to Alter or Amend Judgment Pursuant to FRCP 59 and 60. (ECF No. 12). The Motion is ripe for disposition, and no hearing is necessary. See Local Rule 105.6 (D.Md. 2016). For the following reasons, the Court will deny Plaintiffs' Motion.

Plaintiffs request that the Court delay entering final judgment in this case because the final ruling in the underlying suit, John S. McNulty, et al. v. Robert A. Casero, Jr., et al., GLR-16-2426 (the "Underlying Suit"), could potentially affect the Court's ruling in this case. The Court disagrees. A title insurer's duty to defend depends on: "(1) the scope of the policy's coverage and (2) whether **the allegations in the underlying suit** bring the claim within this coverage." Back Creek Partners, LLC v. First Am. Title Ins. Co., 75 A.3d 394, 399 (Md.Ct.Spec.App. 2013) (emphasis added) (citing Cheverly Terrace P'ship v. Ticor Title Ins. Co., 642 A.2d 285, 287 (Md.Ct.Spec.App. 1994)). So, the policy's language and the complaint in the Underlying Suit—not the outcome of the Underlying Suit—control the analysis in this case. In its Memorandum Opinion, the Court properly considered only the allegations in the Underlying Suit and the scope of the policy's coverage when finding in favor of Defendants. (See Aug. 30, 2017 Mem. Op., ECF No. 10). Accordingly, the Court will deny Plaintiffs' Motion.

For the foregoing reasons, Plaintiffs' Motion for New Trial or to Alter or Amend Judgment Pursuant to FRCP 59 and 60 (ECF No. 12) is DENIED. Despite the informal nature of this memorandum, it shall constitute an Order of the Court, and the Clerk is directed to docket it accordingly.

Very truly yours,

/s/

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George L. Russell, III  
United States District Judge