

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FINANCIAL RESOURCES NETWORK, INC.,
FINANCIAL FAMILY HOLDINGS LLC,
ROSALIND HERMAN and GREGG D. CAPLITZ,
Plaintiffs,

v.

CIVIL ACTION NO.
09-11315-MBB

BROWN & BROWN, INC., BROWN & BROWN OF
CALIFORNIA, INC., AMERICAN GUARANTEE
AND LIABILITY INSURANCE COMPANY, ZURICH
NORTH AMERICA COMPANY AND CALSURANCE,
Defendants.

**PROCEDURAL ORDER RE:
DEFENDANTS' SECOND RENEWED MOTION FOR SUMMARY
JUDGMENT (DOCKET ENTRY # 119); PLAINTIFFS'
MOTION FOR PARTIAL SUMMARY JUDGMENT
(DOCKET ENTRY # 115)**

February 27, 2013

BOWLER, U.S.M.J.

Pending before this court is a summary judgment motion filed by defendants American Guarantee and Liability Insurance Company, Zurich North America Company, Brown & Brown, Inc., Brown & Brown of California, Inc. and Calsurance ("defendants"). (Docket Entry # 119). Plaintiffs Financial Resources Network, Inc., Rosalind Herman and Gregg D. Caplitz ("plaintiffs"), in turn, seek partial summary judgment to establish certain facts under Rule 56(g), Fed. R. Civ. P., and liability under Rule 56(a), Fed. R. Civ. P. (Docket Entry # 115).

Unlike defendants, plaintiffs incorporate facts and

