IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI WESTERN DIVISION

HUDSON SPECIALITY INSURANCE COMPANY

PLAINTIFF

V.

CASE NO. 5:17cv137-DCB-MTP

TALEX ENTERPRISES, LLC; JUBILEE PERFORMING ARTS CENTER, INC.; TERRANCE L. ALEXANDER; the BOARD OF MAYOR AND SELECTMEN OF MCCOMB, MISSISSIPPI, et al.

DEFENDANTS

AGREED ORDER

This matter is before the Court on the Motion to Strike or, in the Alternative, for Leave to File Sur-Reply ("Motion to Strike") [Doc. 227] of Defendants/Counter-Claimants Talex Enterprises, LLC; Terrance L. Alexander; Jubilee Performing Arts Center, Inc.; and, the Board of Mayor and Selectmen of McComb, Mississippi (collectively, "Counter-Claimants"), and the Motion for the Filing of Sur-Reply and Sur-Rebuttal [Doc. 229] of Plaintiff/Counter-Defendant Hudson Specialty Insurance Company ("Hudson"). Counter-Claimants and Hudson have reached an agreement on the pending motions to the effect that Counter-Claimants withdraw their request to strike certain portions of Hudson's Reply Memorandum in Support of Its Motion for Partial Summary Judgment – Liability Coverage, and Counter-Claimants and Hudson consent to the filing of the proposed Sur-Reply [Doc. 227-1] and Sur-Rebuttal [Doc. 228-1]. The Court, being fully advised in the premises and considering the agreement of the parties, finds that the Motion to Strike [Doc. 227] should be granted in part and denied in part, and that the Motion for the Filing of Sur-Reply and Sur-Rebuttal [Doc. 229] should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(i) The portion of the Motion to Strike [Doc. 227] requesting that certain arguments

in the summary judgment briefing be stricken is hereby denied as moot.

- (ii) The portion of the Motion to Strike [Doc. 227] requesting leave to file the proposed Sur-Reply is hereby granted.
- The Motion for the Filing of Sur-Reply and Sur-Rebuttal [Doc. 229] is hereby (iii) granted.
- (iv) The parties shall file their respective Sur-Reply [Doc. 227-1] and Sur-Rebuttal [228-1] on or before August 9, 2019.

SO ORDERED AND ADJUDGED this the 15th day of August, 2019.

/s/ David Bramlette UNITED STATES DISTRICT COURT JUDGE

AGREED:

s/Mark J. Goldberg

WAYNE DOWDY, MSB # 6177

MARK J. GOLDBERG, MS BAR #101874

Counsel for: TALEX ENTERPRISES, LLC; JUBILEE PERFORMING ARTS CENTER, INC.; TERRANCE L. ALEXANDER; AND THE BOARD OF MAYOR AND SELECTMEN OF

MCCOMB, MISSISSIPPI

s/ Smith Boykin

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