

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

SAFECO INSURANCE COMPANY OF )  
AMERICA, )  
 )  
Plaintiff, )

v. )

No. 4:10-CV-1160 CAS

LAKE ASPHALT PAVING & )  
CONSTRUCTION, LLC, GAINES )  
CONSTRUCTION, INC., GAINES LEASING )  
& INVESTMENT, LLC, DGN, INC., )  
WILLIAM GAINES, PATRICIA GAINES, )  
KEITH A. DENNEY, JEANNIE M. DENNEY, )  
MICHAEL L. ROGERS, SANDRA ROGERS, )  
HAROLD E. NEUMANN, and DONALD )  
G. MANTLE, )

Defendants/Third-Party Plaintiffs, )

v. )

PROGRESSIVE CONTRACTORS, INC., )

Third-Party Defendant, )

and )

McANINCH CORPORATION, )

Third-Party Defendant/  
Counterclaim Plaintiff, )

v. )

LAKE ASPHALT PAVING & )  
CONSTRUCTION, LLC, )

Counterclaim Defendant. )

**PARTIAL JUDGMENT (THIRD-PARTY COMPLAINT)**

In accordance with the memorandum and order of this date and incorporated herein,

**IT IS HEREBY ORDERED, ADJUDGED and DECREED** that judgment is entered in favor of third-party defendant McAninch Corporation and against third-party plaintiffs Lake Asphalt Paving & Construction, LLC, Gaines Construction, Inc., Gaines Leasing & Investment, LLC, DGN, Inc., William Gaines, Patricia Gaines, Keith A. Denney, Jeannie M. Denney, Michael L. Rogers, Sandra Rogers, and Harold E. Neumann on remaining Counts I and III of the third-party complaint.



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**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 25th day of January, 2012.