

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

SHELBY OWNBEY AND JOYCE OWNBEY,

*Plaintiffs,*

v.

AKER KVAERNER PHARMACEUTICALS  
INC., et al.,

*Defendants.*

AKER KVAERNER PHARMACEUTICALS  
INC.,

*Third Party Plaintiff,*

v.

ADVANTAGE BUILDINGS & EXTERIOR,  
INC., MID-CONTINENT CASUALTY CO.,  
ZURICH AMERICAN INSURANCE  
COMPANY and NATIONAL UNION FIRE  
INSURANCE COMPANY OF PITTSBURGH  
PA.,

*Third Party Defendants.*

Civil No: 07-2190 (KSH)

**ORDER**

This matter comes before the Court on Aker Kvaerner Pharmaceuticals, Inc.'s ("Aker") motion for partial summary judgment on its claim for insurance coverage [D.E. 520] and motion to strike and dismiss the subrogation claim asserted by Mid-Continent Casualty Co. ("MCC") [D.E. 521]. This Court referred both motions to the Honorable Cathy L. Waldor, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Waldor filed a Report and Recommendation on October 1, 2014 [D.E. 531] recommending that this Court grant both motions. MCC filed its objections to the Report and Recommendation on October 17, 2014 [D.E.

534] and Aker filed its response on October 31, 2014 [D.E. 535]. After reviewing the Report and Recommendations *de novo*, the Court declines to adopt it, and for the reasons set forth in the opinion filed herewith,

**IT IS** on this 2nd day of September, 2015,

**ORDERED** that Aker does not qualify as an additional insured under the MCC Policy No. 04-GL-00570143; and it is further

**ORDERED** that MCC's subrogation claims are dismissed.

/s/ Katharine S. Hayden

Katharine S. Hayden, U.S.D.J.