

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UTICA MUTUAL INSURANCE COMPANY,

Plaintiff,

-v-

6:09-CV-853

FIREMAN'S FUND INSURANCE COMPANY,

Defendant.

APPEARANCES:

SIDLEY AUSTIN LLP
Attorneys for Plaintiff
One South Dearborn Street
Chicago, IL 60603

WILLIAMS LOPATTO PLLC
Attorneys for Defendant
1200 New Hampshire Avenue
Suite 750
Washington, DC 20036

DAVID N. HURD
United States District Judge

OF COUNSEL:

WILLIAM M. SNEED, ESQ.
THOMAS D. CUNNINGHAM, ESQ.

JOHN B. WILLIAMS, ESQ.
MARY A. LOPATTO, ESQ.

DECISION and ORDER

Pursuant to the Mandate issued by the United States Court of Appeals for the Second Circuit on July 17, 2020, it is hereby

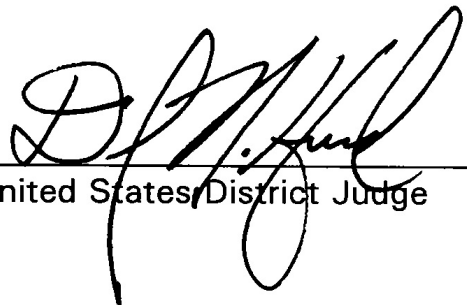
ORDERED that

1. The December 13, 2017 jury verdict in favor of plaintiff Utica Mutual Insurance Company, ECF No. 440, and corresponding December 15, 2017 judgment, ECF No. 436, in

favor of plaintiff Utica Mutual Insurance Company and against defendant Fireman's Fund Insurance Company in the amount of thirty-five million dollars (\$35,000,000.00), with interest calculated from September 22, 2008, at the statutory rate of 9% (NY Civ. Prac. L. & R. §§ 5003, 5004) for a total of twenty-nine million, ninety-two thousand, one hundred and ninety-one dollars and seventy-eight cents (\$29,092,191.78), for a total judgment amount of sixty-four million, ninety-two thousand, one hundred and ninety-one dollars and seventy-eight cents (\$64,092,191.78) is VACATED; and

2. The Clerk of the Court is directed to enter judgment in favor of defendant Fireman's Fund Insurance Company, dismissing all claims against it, and close the file.

IT IS SO ORDERED.



United States District Judge

Dated: July 21, 2020
Utica, New York.