

**IN THE UNITED STATES DISTRICT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NATIONWIDE LIFE INSURANCE COMPANY,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	NO. 05-281
COMMONWEALTH LAND TITLE INSURANCE COMPANY,	:	
	:	
Defendant.	:	

ORDER

AND NOW, this 17th day of *February*, 2011, upon consideration of (1) Defendant Commonwealth Land Title Insurance Company's Motion for Summary Judgment (Docket No. 41), the Response of Plaintiff Nationwide Life Insurance Company (Docket No. 50), and Defendant's Reply Brief (Docket No. 53); (2) Plaintiff's Cross-motion for Summary Judgment (Docket No. 42), Defendant's Response (Docket No. 51), and Plaintiff's Reply Brief (Docket No. 52); and (3) Defendant's Motion *in Limine* to Exclude the Expert Report of Stuart Ebby (Docket No. 58) and Plaintiff's Response (Docket No. 59), it is hereby **ORDERED** as follows:

1. Defendant Commonwealth Land Title Insurance Company's Motion is **DENIED** in its entirety.
2. Plaintiff Nationwide Insurance Company's Cross-Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. As to Count I of the Amended Complaint for breach of contract, Plaintiff's Motion is **GRANTED** and **JUDGMENT IS ENTERED** in favor of Plaintiff;
 - b. As to Count IV of the Amended Complaint for declaratory judgment, Plaintiff's Motion is **GRANTED** and **JUDGMENT IS ENTERED** in

favor of Plaintiff only to the extent that the Court finds that the Title Policy, with the ALTA 9 Endorsement, affords insurance coverage for losses and damages incurred by Nationwide as a result of provisions within the Declaration of Restrictions;;

- c. As to Counts II and III of the Amended Complaint, for breach of contract based on refusal to insure private assessments and for bad faith respectively, Plaintiff's Motion is **DENIED**;
 - d. As to Plaintiff's request for specified damages, Plaintiff's Motion is **DENIED**.
3. Defendant's Motion in Limine to Exclude the Expert Report of Stuart Ebby is **DENIED AS MOOT** for the reasons set forth in footnote 5 of the accompanying Memorandum.
 4. The parties are directed appear for a status conference before this Court on Wednesday, March 9, 2011 at 10:00 a.m. in the chambers of the undersigned.

It is so **ORDERED**.

BY THE COURT

s/ Ronald L. Buckwalter
RONALD L. BUCKWALTER, S.J.