

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

FLS US HOLDINGS, INC. and	:	CIVIL ACTION
FLSMIDTH KREBS INC.	:	
	:	
v.	:	
	:	
LIBERTY MUTUAL FIRE INSURANCE	:	NO. 13-2511
COMPANY	:	

**ORDER**

**AND NOW**, this 21st day of January, 2015, having considered Defendant’s Motion for Summary Judgment (ECF No. 13), Plaintiffs’ Motion for Summary Judgment (ECF No. 14), the papers submitted in support and opposition thereto, and the oral argument on said motions, it is hereby **ORDERED** that:

1. Plaintiffs’ Motion for Summary Judgment (**ECF No. 14**) is **GRANTED IN PART AND DENIED IN PART**. The motion is granted with respect to Plaintiffs’ request for a ruling that Pennsylvania law governs the scope of any duty to defend owed by Defendant to Plaintiffs. The remaining portions of the motion are denied without prejudice to Plaintiffs’ ability to re-raise arguments on open issues at the close of discovery.

2. Defendant’s Motion for Summary Judgment (**ECF No. 13**) is **GRANTED IN PART AND DENIED IN PART**. The motion is granted with respect to Defendant’s request to take discovery prior to entering a comprehensive summary judgment decision. The remaining portions of the motion are denied without prejudice to Defendant’s ability to re-raise arguments on open issues at the close of discovery.

**IT IS FURTHER ORDERED** that all discovery in this action shall be completed by **April 24, 2015**. Cross-motions for summary judgment shall be due on or before **May 25, 2015**. Oppositions to cross-motions for summary judgment shall be due on or before **June 15, 2015**.

BY THE COURT:

/s/ L. Felipe Restrepo  
L. FELIPE RESTREPO  
UNITED STATES DISTRICT JUDGE