

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

TRANSPORTATION INSURANCE COMPANY, et al.	:	CIVIL ACTION
	:	
<i>Plaintiffs</i>	:	NO. 15-4525
	:	
v.	:	
	:	
HEATHLAND HOSPITALITY GROUP, LLC, et al.	:	
	:	
<i>Defendants</i>	:	

O R D E R

AND NOW, this 20th day of November 2017, upon consideration of the *motion for summary judgment*, filed by Plaintiffs Transportation Insurance Company and Continental Casualty Company, (collectively, “Plaintiffs”), [ECF 158], the response in opposition thereto of Defendants Heathland Hospitality Group, LLC, Heathland Hospitality Group, LP, and Judith M. Serratore, individually and as Administratrix of the Estate of Frank J. Serratore (individually, “Serratore”), (collectively, “Defendants”), [ECF 161], and Plaintiffs’ reply, [ECF 166], it is hereby **ORDERED** that, for the reasons set forth in the Memorandum Opinion of this day, Plaintiffs’ motion for summary judgment is **GRANTED**. Consequently, this Court declares that Plaintiffs did not have a duty to defend or indemnify Defendants Heathland Hospitality Group, LLC, and Heathland Hospitality Group, LP (together, “Heathland”), under the insurance policies that are the subject of this action for the claims made and litigation brought against Heathland arising out of the injury and death of Frank J. Serratore.¹

¹ Plaintiffs have also asserted a breach of contract claim (Count Two) premised on an alleged improper assignment to Serratore of Heathland’s rights against Plaintiffs under the policies at issue. While neither party addressed this claim in their respective motions for summary judgment, in light of this Court’s disposition of Count One, the breach of contract claim is dismissed, as moot.

It is further **ORDERED** that the Counterclaims of Defendants are **DISMISSED**, with prejudice.

It is further **ORDERED** that **JUDGMENT** is hereby entered in favor of Plaintiffs Transportation Insurance Company and Continental Casualty Company, and against Defendants Heathland Hospitality Group, LLC, Heathland Hospitality Group, LP, and Judith M. Serratore, individually and as Administratrix of the Estate of Frank J. Serratore.²

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro _____
NITZA I. QUIÑONES ALEJANDRO
Judge, United States District Court

² By separate Order of this day, this Court denied Defendants' cross-motion for summary judgment.