

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

TIG INSURANCE COMPANY,

Plaintiff,

v.

TYCO INTERNATIONAL, LTD.,
SIMPLEXGRINNELL CORP., and THE
BROOKLYN HOSPITAL CENTER f/k/a
THE BROOKLYN HOSPITAL –
CALEDONIAN HOSPITAL,

Defendants.

CIVIL ACTION NO. 3:08-CV-1584

(JUDGE CAPUTO)

ORDER

NOW, this 23rd day of January, 2013, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Motion to Strike the Affidavit of Lawrence A. Durkin and Testimony of Sean Patton (Doc. 174) will be **GRANTED** in part and **DENIED** in part.
2. Plaintiff's Motion for Partial Summary Judgment on Defendant's Affirmative Defense Asserting Estoppel (Doc. 124) is **GRANTED**.
3. Defendant's Motion for Summary Judgment (Doc. 115) is **DENIED**.
4. Plaintiff's Motion for Summary Judgment on Exclusion 4 (Doc. 120) is **DENIED**.
5. Plaintiff's Motion for Summary Judgment on Exclusion 7 (Doc. 122) is **GRANTED**.
6. Judgment is entered in favor of Plaintiff and against Defendant on Counts I and II of Plaintiff's Amended Complaint (Doc. 61).
7. Judgment is entered in favor of Plaintiff and against Defendant on Counts I and II of Defendant's Counterclaim (Doc. 62).
8. The Clerk of Court is directed to mark the case as **CLOSED**.

/s/ A. Richard Caputo

A. Richard Caputo
United States District Judge