## UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF PENNSYLVANIA

SLATE BAR & LOUNGE, INC., d/b/a SLATE BAR & LOUNGE,

Plaintiff,

CIVIL ACTION NO. 3:15-cv-02251

v.

(SAPORITO, M.J.)

FOUNDERS INSURANCE COMPANY,

Defendant.

## FINAL ORDER

AND NOW, this 18<sup>th</sup> day of October, 2017, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED THAT**:

- The defendant's motion for judgment on the pleadings (Doc.
   is **DENIED**;
- 2. The plaintiff's motion for judgment on the pleadings (Doc.30) is GRANTED in part and DENIED in part;
- 3. The plaintiff's claim for declaratory relief with respect to the defendant's duty to indemnify the plaintiff is **DISMISSED WITHOUT**PREJUDICE as premature and unripe; and
- 4. The Clerk is directed to enter **JUDGMENT** in favor of the plaintiff with respect to the defendant's duty to defend the plaintiff in

the underlying state court action and to mark this case **CLOSED**. Said judgment shall include the requested declaration that defendant Founders Insurance Company has a duty under Policy Number LLPA000967 to provide a defense, or costs of defense, to or for plaintiff Slate Bar & Lounge, Inc., d/b/a Slate Bar & Lounge with respect to the underlying civil action styled *Bruce H. Fine v. Slate Bar and Lounge*, *Inc. t/a Slate Bar and Lounge*, Case No. 2076 of 2013, filed in the Court of Common Pleas for Luzerne County, Pennsylvania, on February 19, 2013.

<u>s/Joseph F. Saporito, Jr.</u> JOSEPH F. SAPORITO, JR. United States Magistrate Judge