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

JOSEPH SUNDAY, JR. d/b/a SUNDAY TRUCKING, LLC,

CIVIL ACTION NO. 3:17-CV-00946

Plaintiff,

(JUDGE CAPUTO)

٧.

BERKSHIRE HATHAWAY HOMESTATE INSURANCE COMPANY and NATIONAL LIABILITY & FIRE INSURANCE COMPANY,

Defendants.

ORDER

NOW, this 30th day of July, 2018, upon review on Defendants' Motion for Summary Judgment (*Doc.* 13), **IT IS HEREBY ORDERED** that:

- (1) Defendants' Motion for Summary Judgment is **GRANTED** in part and **DENIED** in part:
 - (a) Judgment is ENTERED in FAVOR of Defendant National Liability & Fire Insurance Company and AGAINST Plaintiff Joseph Sunday, Jr. on Count I of the Complaint.
 - (b) Defendants' Motion for Summary Judgment is **DENIED** with respect to Count III of the Complaint.
- (2) This matter is placed on the October 2018 Trial List.

/s/ A. Richard Caputo

A. Richard Caputo United States District Judge