

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

WESTFIELD INSURANCE
COMPANY,

Plaintiff.

v.

ICON LEGACY CUSTOM
MODULAR HOMES,

ICON LEGACY,

Defendants.

No. 4:15-CV-00539

(Judge Brann)

ORDER

AND NOW, this 13th day of March 2018, in accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Motion for Summary Judgment, ECF No. 95, is **GRANTED**.
2. Plaintiff has no duty to defend or indemnify Defendant in any of the three following, underlying actions:
 - a. *Bilal Ahmad v. Icon Legacy Custom Modular Homes, LLC, et al.*, No. 20140499, in the Supreme Court of New York, Otsego County;
 - b. *Anthony Messana, et al. v. Modular America Construction Corporation, et al.*, No. ESCV2014-01700-A, in the Superior Court of Massachusetts, Essex County; and

- c. *Dagney Trevor v. Icon Legacy Custom Modular Homes, L.L.C., et al.*, No. 1096-11-15, in the Vermont Superior Court, Chittenden Unit.
3. Defendant's Motion for Summary Judgment, ECF No. 91, is **DENIED**.
4. The Clerk of Court is directed to enter judgment in favor of Plaintiff and close this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge