

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

KIMBERLY CARPENTER, et al.

v.

CA 12-607 ML

HARTFORD FIRE INSURANCE COMPANY

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs' Objections to the Report and Recommendation issued by Magistrate Judge Sullivan on December 10, 2013 (Docket #23). The Court has reviewed the Report and Recommendation and considered Plaintiff's objections, as well as Defendants' response to Plaintiff's objections.

While this Court agrees that the dispositive issue presented in this case is one of first impression, the Court finds that the Magistrate Judge's legal conclusions are fully supported by pertinent Rhode Island statutes and case law. Where, as here, the material facts¹ are not in dispute and the intent of the contracting parties is clear, the Court must refrain from reforming the agreement between Hartford and its insured.

The Court, therefore, adopts the Report and Recommendation in its entirety. Plaintiffs' Motion for Partial Summary Judgment (Docket #11) is DENIED. Defendant's Motion for

¹The Court agrees with Defendant's and the Magistrate Judge's conclusion that the "timing issue" is essentially a red herring.

Summary Judgment is GRANTED. The Clerk is directed to enter judgment in favor of Defendant.

SO ORDERED:

/s/ Mary M. Lisi _____
Mary M. Lisi
United States District Judge
January 7, 2014