

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

CONTINENTAL CASUALTY COMPANY	§	
	§	
v.	§	Civil Action No. 4:16-CV-125
	§	(Judge Mazzant/Judge Nowak)
JEFFREY RAMSEY, BENEFITS	§	
CONSULTING GROUP, LLC	§	

MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On February 11, 2017, the report of the Magistrate Judge (Dkt. #34) was entered containing proposed findings of fact and recommendations that Defendants' Partial Motion to Dismiss Under Rules 12(b)(1) and 12(b)(6) (Dkt. #6) be denied, and each of Plaintiff's Motion for Summary Judgment (Dkt. #14) and Defendants' Motion for Summary Judgment (Dkt. #23) be granted in part and denied in part.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendants' Partial Motion to Dismiss Under Rules 12(b)(1) and 12(b)(6) (Dkt. #6) is **DENIED**.

It is further **ORDERED** that each of Plaintiff's Motion for Summary Judgment (Dkt. #14) and Defendants' Motion for Summary Judgment (Dkt. #23) are **GRANTED IN PART AND DENIED IN PART**. Plaintiff's request for a declaration that it is not obligated to defend (or

indemnify) Defendants in the Underlying Action because the plaintiff in the Underlying Action is a governmental official/agency and not a direct Client of Defendants, per a Policy exclusion, is granted.

IT IS SO ORDERED.

SIGNED this 2nd day of March, 2017.

A handwritten signature in black ink that reads "Amos Mazzant". The signature is written in a cursive style with a horizontal line underneath it.

AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE