

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

LIBERTY INSURANCE CORPORATION,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. H-12-3092
	§	
	§	
SM ENERGY, <i>et al.</i> ,	§	
	§	
Defendants.	§	

**FINAL JUDGMENT**

Summary judgment is granted for SM Energy Company on its declaratory judgment counterclaim and on Liberty Insurance Company’s declaratory judgment claim.

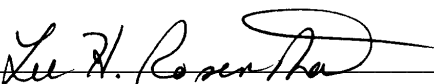
Summary judgment is granted for Leonola Hernandez, individually, as a representative of Daniel Hernandez, Sr.’s estate, and as Daniel Hernandez’s next friend, on her declaratory judgment counterclaim and on Liberty’s declaratory judgment claim.

Liberty has stated that the claims and issues raised by the parties seeking summary judgment against it are the same as those that would be raised as to Cantu and Abraham Hernandez, the defendants who were not served and who did not appear. (Docket Entry No. 27). Summary judgment is granted for Abraham Hernandez and Kathy Cantu, as Daniel Hernandez’s next friend, on Liberty’s declaratory judgment claim.

Liberty therefore takes nothing against the defendants in this action.

This is a final judgment.

SIGNED on February 7, 2013, at Houston, Texas.

  
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 Lee H. Rosenthal  
 United States District Judge