

Judgment in a Civil Case

United States District Court
WESTERN DISTRICT OF NEW

TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA

v.

DIPIZIO CONSTRUCTION
COMPANY, INC., ET AL

**INTERIM
JUDGMENT IN A CIVIL CASE**
CASE NUMBER: 14-CV-576-G

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED: that the Court adopts Judge Schroeder's Report and Recommendation, ECF No. 130, in full, and Traveler's Partial Motion for Summary Judgment, ECF No. 111, is granted. A judgment finding liability and damages under the First through Seventh claims in the amount of \$2,105,829.09, plus prejudgment interest at the rate of 9% per annum from the date of loss pursuant to N.Y.C.P.L.R. 5004 against DCC and the Indemnitors; finding liability on the Eighth and Ninth claims in the amount to be determined at a hearing; finding liability and damages under the Eleventh claim in the amount of \$4.25 million as collateral security for Travelers's anticipated losses under the Inner Harbor bonds; severance of the remaining claims and counterclaims pursuant to Rule 54; and final judgment as to the First through Ninth and Eleventh claims pursuant to Rules 54 and 58. As a result, the Tenth and Twelfth through Sixteenth claims will proceed.

Date: April 19, 2018

MARY C. LOEWENGUTH
CLERK OF COURT

By: s/K.McMillan
Deputy Clerk

