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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**UTICA MUTUAL INSURANCE COMPANY,  
Plaintiff,**

Civil Action No.:  
6:09-CV-0853 DNH

v.

**JUDGMENT ON PARTIAL FINDINGS**

**FIREMAN'S FUND INSURANCE COMPANY  
Defendant,**

       **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.

  **X**   **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.

**Pursuant to the oral order of the Hon David N. Hurd, USDJ, on December 14, 2017 in open Court in United States District Court for the Northern District of New York in Utica, NY, denying defendant Fireman's Fund Insurance Company's first counterclaim for intentional misrepresentation and second counterclaim for negligent misrepresentation and for a judgment on partial findings pursuant to F. Rule Civ. P. Rule 52(c),**

**IT IS ORDERED AND ADJUDGED:** That judgment on partial findings is entered in favor of plaintiff Utica Mutual Insurance Company and against Fireman's Fund Insurance Company, dismissing Fireman's Fund Insurance Company's first counterclaim for intentional misrepresentation and second counterclaim for negligent misrepresentation pursuant to F. Rule Civ. P. Rule 52(c).

Date: December 15, 2017

  
Clerk of Court

ENTERED 12/15/2017  
BY PTM

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Phillip T. McBrearty  
Deputy Clerk