UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED FIRE & CASUALTY COMPANY, Plaintiff, v. THIEMS CONSTRUCTION COMPANY, INC., ALLIED WASTE TRANSPORTATION, INC., and JAMES C. FOWLER, Defendants, and ROXANA LANDFILL, INC., Defendant/Third-Party Plaintiff v. TERRY THIEMS and TAD THIEMS, Third-Party Defendants.	Case No. 11-cv-470-JPG-PMF

JUDGMENT

This matter having come before the Court, the issues having been heard, and the Court having rendered a decision as to some issues and the parties having stipulated to the resolution of others,

IT IS HEREBY ORDERED AND ADJUDGED that judgment is entered in favor of plaintiff United Fire & Casualty Company and against defendant Allied Waste Transportation, Inc. on Count I;

IT IS HEREBY ORDERED AND ADJUDGED that judgment in the amount of $250,334.02 is entered in favor of plaintiff United Fire & Casualty Company and against defendant Roxana Landfill, Inc. on Counts II and III;

IT IS FURTHER ORDERED AND ADJUDGED that defendants Thiems Construction Company, Inc. and James C. Fowler are interested parties bound by this judgment;

IT IS FURTHER DECLARED:

> CGL Insurance Policy No. 60057489 issued by plaintiff United Fire & Casualty Company to defendant Thiems Construction Company, Inc. does not afford coverage to defendant Roxana Landfill Inc. or to defendant Allied Waste Transportation, Inc. for the events that serve as the basis for the claims brought in *Fowler v. Thiems*, No. 09-L-922, filed in the Circuit Court for the Third Judicial Circuit, Madison County, Illinois; and
>
> Plaintiff United Fire & Casualty Company owes no duty to defend or to indemnify defendant Roxana Landfill Inc. or defendant Allied Waste Transportation, Inc. against any of the claims brought in *Fowler v. Thiems*, No. 09-L-922, filed in the Circuit Court for the Third Judicial Circuit, Madison County, Illinois; and

IT IS FURTHER ORDERED AND ADJUDGED that the third-party claim by Roxana Landfill, Inc. against third-party defendants Terry Thiems and Tad Thiems is dismissed without prejudice.

DATED: May 31, 2013 **NANCY J. ROSENSTENGEL, Clerk of Court**

s/Brenda K. Lowe, Deputy Clerk

Approved: s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE