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2013 U.S. Dist. LEXIS 156181**McComb v. Nat'l Cas. Co., 2013 U.S. Dist. LEXIS 156181** (Copy citation)

United States District Court for the Northern District of Illinois, Eastern Division
October 31, 2013, Decided; October 31, 2013, Filed
No. 12 C 5680

Reporter: **2013 U.S. Dist. LEXIS 156181** | 2013 WL 5874562

MICHAEL MCCOMB, as parent and special administrator of the Estate of Giselle McComb, deceased, ,
Plaintiff, v. NATIONAL CASUALTY COMPANY, JOSE BUGARIN, and BUGARIN TRUCKING, INC.,
Defendants.

Core Terms

insure, endorsement, motor carrier, policy, judgment, coverage, accident, require, pay, named, party, minimum, cover, surety bond, carrier's, liability, regulate, exceed, motor, term, financial responsibility, insurance policy, summary judgment, compensation, attached, vehicle, motion, time, indemnification, consistent

Counsel: **[1]** For Michael McComb, as parent and Special Administrator of the Estate of Giselle McComb Deceased, Plaintiff: [Donald J. Kindwald](#), LEAD ATTORNEY, [Kindwald Law Offices](#), Chicago, IL.

For National Casualty Company, Jose L Bugarin, Bugarin Trucking, Inc., Defendants: [Jon M Hughes](#), [Scott W Mcmickle](#), LEAD ATTORNEYS, [Mcmickle, Kurey & Branch, Llp](#), Alpharetta, GA; [Mitchell H. Frazen](#), LEAD ATTORNEY, Nancy Dara Wilensky, [Litchfield Cavo](#), Chicago, IL.

Judges: [John F. Grady](#), United States District Judge.

Opinion by: [John F. Grady](#)

Opinion

MEMORANDUM OPINION

Before the court are the parties' cross-motions for summary judgment. For the reasons explained below, we grant defendant National Casualty Company's ("NCC") motion and deny plaintiff Michael McComb's motion.

BACKGROUND

This is an insurance coverage dispute regarding NCC's obligation to insure Jose Bugarin and Bugarin Trucking, Inc. (collectively "Bugarin" unless otherwise noted). In May 2010, J. L. Shandy Transportation, Inc. ("J.L. Shandy") leased a tractor and trailer from Bugarin Trucking. (Joint Stip. Facts ¶ 4.) On December 28, 2010, Jose Bugarin was driving the tractor-trailer when it collided with a vehicle driven by Giselle McComb. (*Id.* at ¶ 5.) **[1]** McComb died as a result **[2]** of the accident. (*Id.* at ¶ 8.) Michael McComb, as the special administrator of the decedent's estate, has filed a wrongful death action in this district against Bugarin, J.L. Shandy, and others. (*See* Compl., [Michael McComb v. Jose Bugarin et al.](#), Case No. 1:11-CV-00256 (N.D. Ill.), attached as Ex. B to Joint Stip. Facts, ¶¶ 11-12.) At the time of the accident, J.L. Shandy was insured by an insurance policy issued by NCC. (*See* Joint Stip. ¶ 1; *see also* Policy No. OTO002356, attached as Ex. A to Joint Stip. Facts (the "NCC Policy").) Bugarin and Bugarin Trucking did not maintain their own insurance. (*See* Joint Stip. Facts ¶ 7.)