
No. 95-3437

CAPITOL INDEMNITY CORPORATION

Plaintiff - Appellee

vs.

JOHN E. MATICH, doing business
as Wagon Wheel Saloon

Defendant

TORY SJODIN

Movant - Appellant

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* Appeal from the United States
* District Court for the
* District of Minnesota
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* [UNPUBLISHED]
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No. 95-3475

CAPITOL INDEMNITY CORPORATION

Plaintiff - Appellee

vs.

JOHN E. MATICH, doing business
as Wagon Wheel Saloon

Defendant - Appellant

MINNESOTA JOINT UNDERWRITERS
ASSOCIATION

Intervenor - Appellant

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* Appeal from the United States
* District Court for the
* District of Minnesota
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Submitted: June 10, 1996

Filed: July 5, 1996

Before BEAM and HEANEY, Circuit Judges, and BOGUE,* Senior District
Judge.

PER CURIAM.

John Matich (Matich) appeals the district court's¹ order denying his motion to vacate a default judgment granted against him and in favor of Capitol Indemnity Corporation (Capitol). Capitol had filed a declaratory judgment action urging its comprehensive general liability policy issued to Matich did not provide coverage for an action brought against Matich by Troy Sjodin (Sjodin). Sjodin and the Minnesota Joint Underwriting Association (MJUA) appeal the district court's order denying their motions to vacate and motions to intervene. In denying all motions to vacate the default, the district court found no likelihood of success on the merits because an assault and battery exclusion precludes coverage.

Having reviewed the parties' briefs and submissions, we conclude the finding of the district court on the issue of coverage was correct. Accordingly, based upon the well-reasoned opinion of the district court, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

*The HONORABLE ANDREW W. BOGUE, Senior United States District Judge for the Western Division of the District of South Dakota, sitting by designation.

¹The Honorable Donald A. Alsop, United States District Court Judge for the District of Minnesota.