

February 21, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-51153
Summary Calendar

NAUTILUS INSURANCE COMPANY

Plaintiff-Appellee,

versus

ALL COUNTIES PROFESSIONAL SECURITIES INC.; ET AL

Defendants,

MAXIMO AGUILERA TREJO; IRENE MORALES, Individually and as
representative of the Estates of Miguel Aguilera Morales and
Juan Carlos Aguilera Morales, Deceased,

Defendants-Appellants.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:04-CV-1047

Before KING, WIENER, and DeMOSS, Circuit Judges.

PER CURIAM:*

Nautilus Insurance Company ("Plaintiff") filed suit in the
U.S. District Court in Austin, Texas against All Counties
Professional Securities, Inc. ("ACPS") and other named
individuals, alleging jurisdiction on the basis of diversity of
citizenship and seeking a declaratory judgment that Plaintiff was
not obligated under a commercial general liability policy issued

* Pursuant to 5TH CIR. R. 47.5, the court has determined
that this opinion should not be published and is not precedent
except under the limited circumstances set forth in 5TH CIR.
R. 47.5.4.

by Plaintiff to ACPS to provide a defense for and/or indemnify ACPS against claims asserted by the other defendants in a state court action in the 250th Judicial District Court, Travis County, Texas. On cross motions for summary judgment, the district court ruled that the claims asserted in the underlying state court action fell within the language of an express liquor liability exclusion in the commercial liability policy and granted summary judgment in favor of Plaintiff. ACPS and the other defendants appealed to this Court.

We have carefully reviewed the briefs, the record excerpts, the relevant portions of the record itself. For the reasons stated by the district court in its order entered July 11, 2005, we affirm the judgment entered by the district court that Plaintiff has no duty to defend or indemnify ACPS under the policy of insurance issued by Plaintiff to ACPS.

AFFIRMED.