

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

July 12, 2021

Lyle W. Cayce
Clerk

No. 20-20431

ENVIRONMENTAL PACKAGING TECHNOLOGIES, LIMITED;
TREVOR GRIFFITHS,

Plaintiffs—Appellants,

versus

ARCH INSURANCE COMPANY,

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
No. 4:18-CV-240

Before OWEN, *Chief Judge*, and SMITH and GRAVES, *Circuit Judges*.

PER CURIAM:*

Environmental Packaging Technologies, Limited, and Trevor Griffiths sued Arch Insurance Company and National Union Fire Insurance Company of Pittsburgh, Pennsylvania, alleging breach of their duty to defend and indemnify their respective insureds. The district judge, adopting the

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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recommendation of the magistrate judge, granted summary judgment for the insurer defendants, concluding that either the fraud exclusions or the personal-profits exclusions precluded coverage as to the respective insureds. The plaintiffs appealed as to both insurers; on an unopposed motion, the appeal was dismissed only as to the National Union defendant.

We have considered the briefs and the applicable law and have consulted pertinent portions of the record. We have heard the well-presented arguments of counsel. The judgment is **AFFIRMED**, essentially for the reasons set forth by the magistrate judge in his impressive thirty-page Memorandum and Recommendation.