

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**LIBERTY INSURANCE UNDERWRITERS,  
INC.,**

*Plaintiff,*

**v.**

**COCRYSTAL PHARMA, INC.,**

*Defendant.*

Case No. 1:19-cv-02281-JDW-CJB

**ORDER**

**AND NOW**, this 23rd day of May, 2022, upon consideration of the Motion For Summary Judgment Filed By Plaintiff Liberty Insurance Underwriters, Inc. (D.I. 83) and Defendant Cocystal Pharma, Inc.'s Motion For Summary Judgment On Plaintiff Liberty's Complaint (D.I. 86), and for the reasons set forth in the accompanying Memorandum, it is **ORDERED** as follows:

1. The Motion For Summary Judgment Filed By Plaintiff Liberty Insurance Underwriters, Inc. (D.I. 83) is **GRANTED IN PART** and **DENIED IN PART**. Summary judgment in **GRANTED** in favor of Liberty and against Cocystal on all of Liberty's claims set forth in its Complaint (D.I. 1) and on Cocystal's First, Second, Third, and Fourth claims for relief, set forth in the Second Amended Counterclaim (D.I. 33). Otherwise, the Motion is **DENIED**;

2. Defendant Cocystal Pharma, Inc.'s Motion For Summary Judgment On Plaintiff Liberty's Complaint (D.I. 86) is **DENIED**;

3. Cocystal's Sixth claim for relief, set forth in the Second Amended Counterclaim (D.I. 33.), is **DISMISSED**; and

4. On or before June 6, 2022, the Parties shall file a joint letter on the docket, setting forth their respective positions as to whether one or both of the Parties' *Daubert* motions (D.I. 80, 91) are moot, in light of the Court's ruling on the cross-motions for summary judgment.

**BY THE COURT:**

*/s/ Joshua D. Wolson*

\_\_\_\_\_  
**JOSHUA D. WOLSON, J.**  
**United States District Judge**