

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-2052

WESTFIELD INSURANCE COMPANY,

Plaintiff – Appellant,

v.

SISTERSVILLE TANK WORKS, INC.; ROBERT N. EDWARDS; E. JANE PRICE, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF ROBERT G. PRICE, DECEASED; DOUGLAS L. STEELE; CAROL STEELE,

Defendants – Appellees,

and

GARY THOMAS SANDY; PEGGY P. SANDY,

Defendants,

and

REAGLE & PADDEN, INC.; DAVID C. PADDEN,

Third Party Defendants – Appellees.

ORDER

DIANA GRIBBON MOTZ, Senior Circuit Judge:

Appellant, Westfield Insurance Company, brought this declaratory judgment action under the Declaratory Judgment Act, 28 U.S.C. § 2201, and W.Va. Code § 55-13-1 *et seq.* While this case was before the district court, Reagle & Padden, Inc. and David C. Padden (collectively Padden) were joined as third-party defendants. Because the judgment pertaining to Padden has not been properly appealed, we dismiss Padden from this appeal.

In its complaint, Westfield asked the district court to determine whether it owed insurance coverage to Sistersville Tank Works (STW) for three state tort claims brought against them. J.A. 28. STW then filed a third-party complaint against Padden as third-party defendants. *See* J.A. 142. Padden previously acted as STW's insurance agent to negotiate the insurance contracts with Westfield. J.A. 145. STW asserted that if the Westfield policies did not provide coverage for the underlying tort claims, then Padden had been negligent in negotiating the insurance contracts.

The district court entered summary judgment in favor of STW against Westfield, finding that Westfield did owe coverage to STW under the insurance policies. *Westfield Insurance Co. v. Sistersville Tank Works*, 484 F. Supp. 3d 283, 294 (N.D.W. Va. 2020). The district court also entered summary judgment in favor of Padden, concluding that because there was coverage under the Westfield policies, STW had not suffered any injury. *Id.* at 298.

Westfield appealed both judgments. Early in this appeal Padden moved to have the appeal of the judgment in its favor dismissed. Padden argues that Westfield lacks standing

to appeal this judgment, because Westfield was not a party to that dispute nor was it directly impacted by that judgment.

Standing requirements must be met at all stages of litigation. *See Hollingsworth v. Perry*, 570 U.S. 693, 705-06 (2013). To assert standing, a party must “possess a direct stake in the outcome of the case.” *Id.* “[O]nly a party aggrieved by a judgment or order of a district court may exercise the statutory right to appeal therefrom.” *Deposit Guar. Nat’l Bank v. Roper*, 445 U.S. 326, 333 (1980). This court has yet to address whether a party has standing to appeal part of a judgment to which it is not a party, but other Circuits have found that such standing does not exist. *See St. Paul Fire & Marine Ins. Co. v. Universal Builders Supply*, 409 F.3d 73, 83 (2d Cir. 2005).

Each of Westfield’s arguments on appeal is aimed squarely at the part of the judgment that was granted in favor of STW over Westfield. Westfield has asserted no separate error in the judgment in favor of Padden. We can only conclude from this that Westfield has not been aggrieved by the grant of summary judgment in favor of Padden. Thus, Westfield lacks standing to challenge that judgment, and so its appeal against Padden is

DISMISSED.

Entered at the direction of Senior Judge Motz with the concurrence of Judge Agee and Judge Wynn.

FOR THE COURT

/s/ Patricia S. Connor
Clerk