

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

MOBILE ATTIC, INC.,)
MA MANUFACTURING COMPANY,)
INC., and BAGLEY FAMILY)
REVOCABLE TRUST,)

Plaintiffs,)

v.)

PETER L. CASH, CASH BROTHERS)
LEASING, INC., BRIDGEVILLE)
TRAILERS, INC., and BARFIELD,)
MURPHY, SHANK & SMITH, P.C.,)

Defendants.)

CIVIL ACT. NO. 1:09cv24-MHT
(WO)

NATIONAL SECURITY GROUP, INC.,)
Intervenor Plaintiff,)

v.)

PETER L. CASH, BARFIELD,)
MURPHY, SHANK & SMITH, P.C.,)
MOBILE ATTIC, INC., and BAGLEY)
FAMILY REVOCABLE TRUST,)

Intervenor Defendants.)

OPINION and ORDER

Now pending before the court is the Bagley Family Trust’s motion for summary judgment (doc. # 164) and Mobile Attic’s motion for summary judgment (doc. # 165). The Bagley Family Trust and Mobile Attic seek summary judgment on count five of the intervenor complaint which is a claim of unjust enrichment. In response to the motions for

summary judgment and during the pretrial conference held on May 17, 2012, the parties agreed that count five of the intervenor complaint is due to be dismissed. *See* Doc. # 173 at 3; Doc. # 186 at 3-4, 27.

The parties have also settled count three of the Bagley Family Trust and Mobile Attic's amended complaint (doc. # 91) with defendant Barfield, Murphy, Shank & Smith, P.C.

Accordingly, it is ORDERED and ADJUDGED as follows:

1. The Bagley Family Trust's motion for summary judgment on count five of the intervenor complaint (doc. # 164) and Mobile Attic's motion for summary judgment (doc. # 165) are granted as to count five of the amended intervenor complaint, and said count is dismissed with prejudice. Said summary-judgment motions remain pending in all other respects.

2. Count three of the amended complaint is dismissed with prejudice, and Barfield, Murphy, Shank & Smith, P.C. is dismissed and completely terminated as a party in this action.

Done, this the 18th day of May, 2012.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE