

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

PROGRESSIVE SPECIALTY	)	
INSURANCE COMPANY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	1:10cv681-MHT
	)	(WO)
DAZIA M. FUMBAH,	)	
	)	
Defendant and	)	
Crossclaim Plaintiff,	)	
	)	
v.	)	
	)	
LARRY DWAYNE MIMS,	)	
	)	
Crossclaim Defendant.	)	

OPINION

Plaintiff Progressive Specialty Insurance Company filed this lawsuit against defendants Larry Dwayne Mims, Paula Denise Traylor, Dazia M. Fumbah, and Warner Enterprises, Inc., seeking a declaration as follows with regard to a state lawsuit: that Progressive has no duty to provide liability insurance coverage under the terms of a policy issued to Mims; and that Progressive has no duty to provide a defense to Mims or Traylor and no duty

to indemnify them for any lawsuits arising out of the accidents at issue. This lawsuit is now before the court on the recommendation of the magistrate judge that Progressive's declaratory-judgment request against Fumbah should be granted and that Fumbah's request for declaratory judgment should be dismissed without prejudice. Fumbah has filed a request for judgment, which the court is treating as an objection to the recommendation. After an independent and de novo review of the record, the court concludes that the Fumbah's objection should be overruled and the magistrate judge's recommendation adopted. (It should be noted that Fumbah's crossclaims against Mims are still pending.)

An appropriate judgment will be entered.

DONE, this the 24th day of May, 2012.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE