

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

PROGRESSIVE SPECIALTY)
INSURANCE COMPANY,)
)
Plaintiff,)
)
v.)
)
DAZIA M. FUMBAH,)
)
Defendant and)
Crossclaim Plaintiff,)
)
v.)
)
LARRY DWAYNE MIMS,)
)
Crossclaim Defendant.)

CIVIL ACTION NO.
1:10cv681-MHT
(WO)

JUDGMENT

In accordance with the memorandum opinion entered this date, it is the ORDER, JUDGMENT, and DECREE of the court as follows:

(1) Defendant Dazia M. Fumbah's request for judgment (doc. no. 99) is treated as an objection and said objection is overruled.

(2) The United States Magistrate Judge's recommendation (doc. no. 95) is adopted.

(3) Judgment is entered in favor of plaintiff Progressive Specialty Insurance Company and against defendant Fumbah on plaintiff Progressive Specialty Insurance Company's complaint.

(4) As to defendant Fumbah (albeit only to the extent plaintiff Progressive Specialty Insurance Company seeks a declaration binding as to defendants Larry Dwayne Mims and Paula Denise Traylor and not binding as to defendant Fumbah), plaintiff Progressive Specialty Insurance Company has no duty to provide liability insurance coverage under the terms of a policy issued to defendant Mims for any claim, matter, or allegations associated with the June 18, 2008, accident.

(5) As to defendant Fumbah (albeit only to the extent plaintiff Progressive Specialty Insurance Company seeks a declaration binding as to defendants Mims and Traylor and not binding as to defendant Fumbah), plaintiff

Progressive Specialty Insurance Company has no duty to provide a defense to defendants Mims and Traylor and no duty to indemnify them for any lawsuits arising out of the June 18, 2008, accident.

(6) Defendant Fumbah's request against plaintiff Progressive Specialty Insurance Company for a declaratory judgment as to whether plaintiff Progressive Specialty Insurance Company is liable to defendant Fumbah is dismissed without prejudice as premature.

It is further ORDERED that plaintiff Progressive Specialty Insurance Company and defendant Fumbah are to bear their own costs.

The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

This case is not closed, for defendant Fumbah's crossclaims against defendant Mims are still pending.

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

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE