

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)
LARRY DWAYNE MIMS; et al.,)	
)	
Defendants.)	

JUDGMENT

In accordance with the opinion issued on this date, it is the ORDER, JUDGMENT, and DECLARATION of the court, with regard to the June 18, 2008, automobile accident referenced in plaintiff Progressive Specialty Insurance Company's complaint in this case, as follows:

- (1) That, as to defendant Werner Enterprises, Inc., plaintiff Progressive Specialty Insurance Company has no duty to provide liability insurance coverage under the terms of a policy issued to defendant Larry Dwayne Mims for any

claim, matter, or allegations associated with the June 18 accident;

(2) That, as to defendant Werner Enterprises, Inc., plaintiff Progressive Specialty Insurance Company has no duty to provide a defense to defendants Larry Dwayne Mims and Paula Denise Traylor and no duty to indemnify them for any lawsuits arising out of the June 18 accident; and

(3) That defendant Werner Enterprises, Inc. cannot recover from plaintiff Progressive Specialty Insurance Company for any damages, including but not limited to subrogation interests, that it seeks or claims it has rights to under the Progressive policy at issue.

It is further ORDERED that costs are taxed against defendant Werner Enterprises, Inc., for which execution may issue.

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 terminated as to defendant Werner Enterprises, Inc.

DONE, this the 11th day of July, 2011.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE