

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

EMPLOYERS MUTUAL CASUALTY	)	
COMPANY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 1:11-cv-00643-MEF
	)	
CARL HOBBS CONSTRUCTION	)	(WO – Do Not Publish)
COMPANY, INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

Before the Court is the Construction Company Defendants’<sup>1</sup> Motion to Continue Trial. (Doc. #71.) On October 29, 2012, at 3:15 p.m., the Court held a telephonic hearing with all parties to the instant declaratory judgment action and the underlying state-court action<sup>2</sup> in attendance. The attorneys representing the parties were: (1) James Alfred Kee, Jr., for Employers Mutual Casualty Company (“EMC”) in the instant action; (2) Gary Lee Willford, Jr., for the Construction Company Defendants in the instant action; (3) Stephen Talmadge Etheredge, Sr., for David Alford and Caroline Alford in the underlying action; and (4) Steadman S. Shealy, Jr., for the Construction Company Defendants in the underlying action.

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<sup>1</sup> The phrase “Construction Company Defendants” collectively refers to the following parties: (1) Carl Hobbs Construction Company, Inc.; (2) Carl Hobbs, both individually and doing business as Hobbs & Trawick; and (3) Donald Trawick, both individually and doing business as Hobbs & Trawick.

<sup>2</sup> The underlying action is pending in the Circuit Court of Houston County, Alabama, and is captioned *David Alford, et al.*, No. 09-cv-229-M. The Court will simply refer to it as the underlying action.

EMC has informed the Court that it does not oppose the Construction Company Defendants' Motion to Continue Trial. As well, all parties to the instant action and the underlying action have represented to the Court that the underlying action has been settled. EMC has further represented to the Court that it will not seek reimbursement for any defense or indemnification costs of the underlying action.

In reliance on these representations and in consideration of the entire record, the Construction Company Defendants' Motion to Continue Trial (Doc. #71) is GRANTED, and thus, trial of the instant case is **continued generally**.

Further, the parties are ORDERED to file their joint stipulation of dismissal by **Friday, November 30, 2012**.

DONE this the 30<sup>th</sup> day of October, 2012.

/s/ Mark E. Fuller  
UNITED STATES DISTRICT JUDGE