

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

SEVEN OAKS CONSTRUCTION,)
LLC,)
)
Plaintiff,)
)
v.)
)
TALBOT CONSTRUCTION, INC.,)
and TRAVELERS CASUALTY AND)
SURETY COMPANY, INC.,)
)
Defendants.)

CIVIL ACTION NO.
2:11cv140-MHT
(WO)

OPINION

Plaintiff Seven Oaks Construction, LLC, originally filed this lawsuit against defendants Talbot Construction, Inc. and Travelers Casualty and Surety Company, Inc. in state court, charging them with unjust enrichment and breach of contract and asserting that one or more of them was liable to Seven Oaks due to an agreement to indemnify contractors and subcontractors in the event of a default. With Travelers Casualty's consent, Talbot Construction removed this lawsuit from

state to federal court based on diversity-of-citizenship jurisdiction. 28 U.S.C. §§ 1332, 1441.

This lawsuit is now before the court on Surety Company's motion to dismiss. Although given an opportunity to respond, Seven Oaks has not done so. The court therefore assumes that Seven Oaks has no objection to the dismissal of this case against Surety Company. (If the court's assumption is incorrect, Seven Oaks should so inform the court within seven days from the date of this opinion).

An appropriate judgment will be entered.

DONE, this the 28th day of March, 2012.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE