

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

NAOMI MCKINNEY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:14CV2-WHA
)	
KENAN TRANSPORT, LLC.,)	(wo)
)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

This case is before the court on a Motion for Partial Summary Judgment (Doc. #26), filed by the Defendant on December 19, 2014.

The Plaintiff filed a Complaint in this case on January 2, 2014. The Plaintiff brings claims of negligence (Count I), wantonness (Count II), negligent and wanton entrustment (Count III), negligent hiring, training, and supervision (Count IV).

The Defendant, Kenan Transport, LLC (“Kenan”), has moved for summary judgment on the wanton operation claim; negligent/wanton hiring, training, and supervision claims; and negligent/wanton entrustment claims. Kenan argues that there is no evidence in this case that Kenan’s driver was incompetent. Kenan further contends that even if there were sufficient evidence of an incompetent driver, the Plaintiff, Naomi McKinney (“McKinney”) cannot show that Kenan knew, or should have known, of the incompetency.

In response to Kenan’s motion, McKinney has stated through her attorney that she stipulates to the dismissal of her claims for wantonness; negligent/wanton hiring, training, and supervision; and negligent/wanton entrustment. McKinney states that the only claim remaining is

for negligence.

Having reviewed the submissions of the parties, the court finds that the motion is supported by evidentiary materials and there is no question of fact precluding summary judgment as to the wantonness; negligent/wanton hiring, training, and supervision; and negligent/wanton entrustment claims. *See U.S. v. One Piece of Real Property Located at 5800 SW 74th Ave., Miami, Fla.*, 363 F.3d 1099, 1101 (11th Cir. 2004). Accordingly, it is hereby

ORDERED that the Motion for Partial Summary Judgment (Doc. #26) is GRANTED and judgment is entered in favor of Kenan Transport, LLC and against Naomi McKinney on the claims for wantonness; negligent/wanton hiring, training, and supervision; and negligent/wanton entrustment.

The case will proceed on the Plaintiff's negligence claim.

Done this 20th day of January, 2015.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE