Canal Indemnity Company v. Regency Club Condominium Owners Association, Inc. et al Doc. 125

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

CANAL INDEMNITY COMPANY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	3:11-cv-400-MEF
	)	(WO – Do Not Publish)
REGENCY CLUB OWNERS ASSOCIATION, *et al.*,	)	
	)	
	)	
Defendants.	)	

ORDER

On January 7, 2013, the Court issued a Memorandum Opinion and Order (Doc. #123) in the above-styled cause of action granting Canal Indemnity Company's ("Canal") Second Motion for Summary Judgment (Doc. #78) and denying Park Lane Construction, Inc.'s ("Park Lane") Motion for Summary Judgment (Doc. #82). As the Court noted in its Memorandum Opinion (*see* Doc. #123, at 9 n.9), in moving for summary judgment, Park Lane did not rely on two theories of relief—a third-party beneficiary theory and a reformation theory—previously raised in its Counterclaim against Canal (Doc. #43, at ¶¶ 2, 8). Furthermore, Park Lane did not adequately address these two theories of relief in any meaningful sense in its opposition to Canal's Second Motion for Summary Judgment. (Doc. #93.) Thus, the Court deems Park Lane to have abandoned its Counterclaim. The Court is confident that the Memorandum Opinion and Order entered in this case has adequately resolved all claims and issues in this case, but out of an abundance of caution, has entered this Order to further clarify that all pending claims in this case have been resolved. The

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Clerk of Court is further DIRECTED to close this file.

DONE this the 14th day of January, 2013.

/s/ Mark E. Fuller
UNITED STATES DISTRICT JUDGE