

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

SAFECO INSURANCE COMPANY OF)	
AMERICA,)	
)
Plaintiff,)	
)
v.)	CIVIL ACTION NO.
	3:12cv537-MHT
	(WO)
KEVIN GOLDEN and JENNIFER)	
GOLDEN,)	
)
Defendants.)	

OPINION

Plaintiff Safeco Insurance Company of America brought this suit seeking declaratory judgment against defendants Kevin and Jennifer Golden. The jurisdiction of the court has been invoked pursuant to 28 U.S.C. § 1332. Safeco now moves for an entry of default judgment against Kevin Golden. The motions will be granted, albeit as to only Kevin Golden.

The case concerns a civil lawsuit for injuries and damages arising from an alleged sexual assault. David and Stacey Bence and their minor daughter filed suit

against the Goldens in state court, alleging that, while the Bences' minor daughter was spending the night in the Goldens' home, Kevin Golden removed her clothing and took video and photographs of her body. Safeco agreed to represent the Goldens against the Bences' civil suit, but reserved its right to argue that there is no coverage afforded under its policy with the Goldens for the claims raised in the Bences' suit. In the instant suit, Safeco asserts that it has no duty to defend and indemnify the Goldens, because the underlying conduct falls within the policy's exclusions. Safeco brought this declaratory-judgment action seeking a determination of whether Safeco has a duty to defend and indemnify the Goldens against the Bences' claims.

Safeco submitted motions for entry of default judgment against Kevin Golden after he failed to answer or otherwise respond to the complaint within the time allowed by law. By order of this court, Kevin Golden had until September 4, 2012, to show cause as to why default

judgment should not be entered against him. He did not respond. Default judgment is therefore due to be entered against Kevin Golden. An appropriate judgment will be entered. Both this opinion and the accompanying judgment are without prejudice to and do not affect the rights of Jennifer Golden, who has filed a timely appearance in this case.

DONE, this the 5th day of December, 2012.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE