

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

ATLANTIC CASUALTY INSURANCE)	
COMPANY,)	
)
Plaintiff,)	
)
v.)	CIVIL ACTION NO.
	3:12cv617-MHT
	(WO)
L & L SOCIAL CLUB, INC.,)	
d/b/a L & L Social Club,)	
et al.,)	
)
Defendants.)	

OPINION

Plaintiff Atlantic Casualty Insurance Company brought this lawsuit seeking declaratory judgment against defendants L & L Social Club, Inc., Lillian Peterson, and Vickie Doss. The jurisdiction of the court has been invoked pursuant to 28 U.S.C. § 1332 (diversity). Atlantic now moves for an entry of default judgment against L & L Social Club. The motion will be granted, albeit as to the club only.

The federal case concerns a state-law civil lawsuit for damages arising from a shooting at L & L Social Club.

Doss, in her capacity as administrator of the estate of her son James Arthur Doss and individually, filed suit against L & L Social Club, Inc., in state court alleging that her son was shot and killed while on the club's premises. In this federal lawsuit, Atlantic asserts that it has no duty to defend and indemnify L & L Social Club, because the underlying conduct falls within the policy's exclusions. Atlantic brought this declaratory-judgment action seeking a determination of whether it has a duty to defend and indemnify the club against Doss's claims.

Atlantic submitted a motion for entry of default judgment against L & L Social Club after the club failed to answer or otherwise respond to the complaint within the time allowed by law. By order of this court, the club had until August 26, 2013, to show cause as to why default judgment should not be entered against it. The club did not respond. Default judgment is therefore due to be entered against L & L Social Club.

An appropriate judgment will be entered. Both this opinion and the accompanying judgment are without prejudice to and do not affect the rights of any other defendant to this case.

DONE, this the 16th day of September, 2013.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE