

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

PROGRESSIVE SPECIALTY)	
INSURANCE COMPANY,)	
)	
Plaintiff,)	
)	Case No.: 1:17-CV-416-VEH
v.)	
)	
TALLAPOOSA RIVER FOREST)	
PRODUCTS, INC., BRADLEY)	
YARBROUGH, d/b/a BRAD)	
YARBROUGH TRUCKING,)	
STEVEN A. LEDBETTER,)	
ALLSTATE FIRE & CASUALTY)	
INSURANCE COMPANY,)	
DEPOSITORS INSURANCE)	
COMPANY, KIMBERLY PRICE)	
BROWN, and SAMANTHA)	
ALFORD,)	
)	
Defendants.)	

MEMORANDUM OPINION

This case comes before the Court on the Plaintiff’s “Motion [T]o Dismiss all claims in this case.” (Doc. 11 at 1). In support of the motion the Plaintiff states the following:

1. This case is a declaratory judgment action involving a Commercial Auto insurance policy issued by the Plaintiff to Tallapoosa River Forest Products, Inc. In this case, the Plaintiff sought a determination from the Court as to what, if any, coverage obligations it owes to its insured, as well as potentially others, pursuant to the policy

of insurance with respect to a vehicular accident which occurred in Georgia on May 13, 2015. This accident resulted in two state court lawsuits in Georgia.

2. The two underlying lawsuits referenced in the Plaintiff's Declaratory Judgment Complaint against Plaintiff's insured and others in the State of Georgia, have recently been settled. The two previously-filed Georgia lawsuits gave rise to this declaratory judgment action.

3. In light of the settlement of the two Georgia lawsuits, the coverage issues asserted by the Plaintiff in this declaratory judgment action arising from the May 13, 2015[,] accident have become moot. While the settlement of the two Georgia cases referenced above have made the coverage issues moot with respect to those cases, the Plaintiff notes that the applicable Georgia statute of limitations has not expired as to other claims which may arise from the underlying incident. As such, the Plaintiff requests that the dismissal of this Declaratory Judgment action be "with prejudice" only with respect to the two previously filed Georgia lawsuits referenced above and not constitute a waiver of any coverage positions or defenses the Plaintiff may have with respect to other potential claims that may arise in the future.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff moves to dismiss all claims set out in the Declaratory Judgment Complaint. These claims are due to be dismissed, with prejudice, with each party to bear their own costs.

(Doc. 11 at 1-2).

On May 31, 2017, this Court Ordered that "[any] [o]pposition [to the motion] [was] due in 14 calendar days." (Doc. 14). No opposition has been filed.

For the reasons stated in the Plaintiff's motion, and in light of the fact that there is no opposition to the motion. This case will be dismissed by separate order.

DONE and **ORDERED** this 19th day of June, 2017.

A handwritten signature in black ink, appearing to read "V. Emerson Hopkins", written in a cursive style.

VIRGINIA EMERSON HOPKINS
United States District Judge