

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

STATE VOLUNTEER MUTUAL
INSURANCE COMPANY

PLAINTIFF

v.

No. 3:15-cv-201-DPM

PAUL BECTON, JR., M.D.; and PAUL
BECTON, JR., M.D., P.A., d/b/a
Becton Women's Clinic

DEFENDANTS

and

ASHTYN CAVAZOS;
and MEGAN EDGAR*

INTERVENORS

ORDER

1. Dr. Paul Becton was an OB/GYN in Paragould. Two of his former patients, Ashtyn Cavazos and Megan Edgar, have sued him and his clinic in state court. *No 1, at 39 & 50*. Cavazos and Edgar allege that Dr. Becton improperly touched and photographed them during medical examinations. These former patients say the touching and the photography were sexual, intentional, and criminal. *No 14 at 2-5*. Dr. Becton has pleaded guilty to video voyeurism. ARK. CODE ANN. § 5-16-101. State Volunteer has the medical

*The Court directs the Clerk to add Cavazos and Edgar to the docket as intervenors.

malpractice coverage for Dr. Becton and his clinic. The carrier seeks a summary judgment declaring Dr. Becton's actions outside the policy's coverage, *No 1 & 12*.

Neither Dr. Becton nor his clinic answered the lawsuit or responded to the potentially dispositive motion. Cavazos and Edgar appeared, without objection from the insurance company. The Court construes their answer as a motion to intervene and grants it. FED. R. CIV. P. 24(a)(2). Cavazos and Edgar, for their part, agree that State Volunteer's policy is unavailable in these circumstances. *No 18, at 1*.

2. State Volunteer's motion is granted. Cavazos and Edgar's allegations of improper touching and photography during medical examinations are not covered by this policy. Whatever the precise scope of coverage as an initial matter, Dr. Becton's actions are within several exclusions. They were sexual conduct. *No 1, at 60 & 77*. They were intentional acts. *No 1, at 60*. And they were criminal acts. *Ibid*.

* * *

Motion for summary judgment, *No 12*, granted. Motion for default, *No 15*, moot.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

29 October 2015