

IN THE CIRCUIT COURT OF MILLER COUNTY, ARKANSAS
CIVIL DIVISION

PAUL HARNESS

PLAINTIFF

v.

46CV-16-40-3

LIBERTY MUTUAL FIRE INSURANCE COMPANY

DEFENDANT

ORDER GRANTING PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

On November 17, 2016, there came on for consideration the Plaintiff's *Motion for Default Judgment* at a hearing. The Plaintiff appeared in person and was represented by S. Taylor Chaney of the Chaney Law Firm, P.A. The Defendant appeared through counsel, and was represented by Nicholas D. Homung of Watts, Donovan & Tilley, P.A. After considering the pleadings, and motions submitted on behalf of the parties, as well as the evidence presented at the hearing, the Court hereby makes the following findings:

1. Plaintiff's marriage license issued by the Miller County Circuit Clerk on March 29, 2007 shows the Plaintiff's county of residence to be in Miller County, Arkansas. The Plaintiff has also resided in Miller County, Arkansas since at least May 1, 2009, which is the effective date of his lease agreement for apartment number 53 at Beacon Point Apartments, located at 2301 Arkansas Boulevard, Texarkana, Arkansas.
2. On March 14, 2016, the litigation manager for the Plaintiff's law firm, Michael James McClard, personally sent a cover letter, *Summons*, and a true and correct copy of the *Complaint* filed with the Miller County Circuit Clerk in this action to the Defendant's registered agent for service of process, which is the Corporation Service Company located at 300 Spring Building, Suite 900, 300 Spring Street, in Little Rock, Arkansas.
3. On March 17, 2016, the Corporation Service Company received a copy of the cover letter, *Summons*, and *Complaint* in this matter, which is evidenced by the signature of Adam Davis on a certified mail return receipt, who was an authorized representative of the Corporation Service Company to receive service of process in this case.

4. On May 23, 2016, Plaintiff filed an *Affidavit in Completion of Service of Process* in accordance with Ark. R. Civ. P. 4(g).
5. The Plaintiff complied with Ark. R. Civ. P. 10(d) by attaching the applicable insurance policy for which his claims are based to his *Complaint*.
6. The Plaintiff was not required to serve his *Motion for Default Judgment* upon the Defendant because it did not assert new or additional claims for relief pursuant to Ark. R. Civ. P. 5(a), and was not a pleading as defined by Ark. R. Civ. P. 7(a).

IT IS THEREFORE, BY THE COURT, CONSIDERED, ORDERED, and ADJUDGED that Defendant's *Motion to Dismiss* is denied, and the Plaintiff's *Motion for Default Judgment* is granted due to Defendant not timely filing a responsive pleading within 30 days after service of the Plaintiff's *Summons* and *Complaint*. A damages hearing before a jury will be held at a time to be determined in the future.

IT IS SO ORDERED.

Dated this 21st day of November, 2016.



Honorable Kirk Johnson
Miller County Circuit Court Judge

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MARY PARRISH, CLERK
BY  DEPUTY