

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

MELISSA LAWSON,

Plaintiff,

v.

Civil Action No. 5:09-CV-155(HL)

JAMES WELLS, ADMIRAL
MERCHANTS MOTOR FREIGHT,
FIRST GUARD INSURANCE COMPANY,
AND LINCOLN GENERAL INSURANCE
COMPANY,

Defendants.

ORDER

This is motor vehicle accident case. In her complaint, Plaintiff contends that she is entitled to recover her attorney’s fees and expenses of litigation. On February 12, 2010, Defendants filed a Motion for Partial Summary Judgment, arguing that Plaintiff was not entitled to an award of fees or expenses as a matter of law.

Plaintiff requested additional time to respond to the motion, and the Court gave her through April 15, 2010 to file a response. No response was filed by that date. On May 3, 2010, counsel for Plaintiff contacted the Court, and when asked if he was going to file a response to the motion, counsel stated that he was going to withdraw the fees and expenses claims.

On May 11, 2010, the Court entered an order directing Plaintiff to formally withdraw the fees and expenses claims no later than May 21, 2010. It is now May 24, and the claims have not been withdrawn.

There is no indication that Plaintiff has reconsidered her commitment to the Court to withdraw the claims. Therefore, Plaintiff's claims for attorney's fees and expenses of litigation are hereby dismissed. Defendants' Motion for Partial Summary Judgment (Doc. 18) is denied as moot.

As the parties have had problems abiding by orders entered in this case, the Court reminds the parties that they are directed to inform the Court of the result of the upcoming mediation. Regardless of the result of the mediation, the parties are directed to report to the Court the status of the case not later than July 5, 2010. If the case is not settled at mediation, it will be placed on the September civil trial calendar.

SO ORDERED, this the 26th day of May, 2010.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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