

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

GENEVA L. WATKINS,

Plaintiff,

v.

**CAPITAL CITY BANK and L.P. KEEN
INSURANCE AGENCY, INC.,**

Defendants.

CIVIL ACTION NO. 5:14-CV-107 (MTT)

ORDER

Defendant L.P. Keen Insurance Agency, Inc. (“Keen”) has moved for summary judgment (Doc. 77) for the exact same reasons that Capital City Bank (“the Bank”) did in its motion (Doc. 68). Plaintiff Geneva Watkins has responded with the exact same arguments. (Doc. 82). Consequently, the same result is appropriate here. (See Doc. 86).

First, the Plaintiff’s claim is barred by the statute of limitations because the Plaintiff admitted that she was “aware of the allegedly fraudulent ‘force-placed’ insurance premiums by 1998 or at the very ... latest July 20, 2000” and that she has “no evidence to demonstrate that [she was] only made aware of these allegedly fraudulent ‘force-placed’ insurance premiums after July 20, 2000.” (Docs. 55, ¶¶ 49, 50; 65).¹ Thus, the four-year statute of limitations ran, at the latest, on July 20, 2004. The Plaintiff did not file her suit in Gwinnett County until 2006. (Doc. 55-1 at 2). This is well outside the statute of limitations. (Doc. 86 at 8-10).

¹ The Plaintiff has not objected to Keen’s reliance on her deemed admissions to the Bank’s Requests for Admissions. (Docs. 55, 65).

Second, the Plaintiff's claim is also barred by res judicata because there is privity between the Plaintiff and her husband, Robert Watkins, and Robert has already litigated the Watkins family's force-placed insurance claims. (*Id.* at 10-16). Robert's recent filing confirms the Court's ruling that the Plaintiff's claim is barred by res judicata. (Doc. 91).

Therefore, Keen's motion for summary judgment is **GRANTED**. (Doc. 77).

SO ORDERED, this 22nd day of February, 2016.

S/ Marc T. Treadwell
MARC T. TREADWELL
UNITED STATES DISTRICT COURT