

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

AUTO-OWNERS INSURANCE COMPANY,

Plaintiff,

v.

EUGENE BROOKS; LYNDA BROOKS; and
GEORGIA WINDOW INSTALLATION
SERVICES, LLC,

Defendants.

CIVIL ACTION NO.: 4:19-cv-304

ORDER

Plaintiff Auto-Owners Insurance Company (“Auto-Owners”) filed this action seeking a declaratory judgment regarding its rights and duties under a contract of insurance issued to Defendant Georgia Window Installation Services, LLC (“Georgia Window”). (Doc. 1.) According to the Complaint, prior to the filing of this action, Eugene Brooks and Lynda Brooks, both of whom are Defendants in this action, filed suit in the State Court of Chatham County seeking damages from Georgia Window (hereinafter, the “underlying state court action”) for injuries and losses they allegedly suffered as a result of work performed by Georgia Window at their home. (*Id.* at pp. 3–6.) Based on its belief that the insurance policy it issued to Georgia Window does not cover the claims asserted in the underlying state court action, Auto-Owners filed this action seeking a declaratory judgment regarding coverage. (*Id.* at pp. 14–5.) The Brooks have filed Answers, (docs. 5–7); Georgia Window has not.

Presently before the Court is Auto-Owners’ Motion to Dismiss Without Prejudice. (Doc. 11.) Therein, Auto-Owners advises that, on May 27, 2020, Georgia Window was dismissed from the underlying state court action. (*Id.* at p. 2; see also doc. 12-1.) As Auto-Owners concedes, “[t]he dismissal of [Georgia Window] from the underlying action renders [Auto-Owners’] Complaint for Declaratory Judgment moot and resolves all issues asserted in Plaintiff’s Complaint

for Declaratory Judgment and Defendants' Answers," and Auto-Owners therefore moves to dismiss the present action without prejudice. (Doc. 11, p. 2.)

None of the Defendants have filed any sort of response to the Motion to Dismiss; as a result, they have neither objected to nor requested that any special terms be placed upon the dismissal. The Court also notes that no counterclaims or cross-claims have been filed by any of the Defendants. Accordingly, the Court **GRANTS** Plaintiff's Motion, (doc. 11), **DISMISSES** the action without prejudice, and **DIRECTS** the Clerk to **CLOSE** the case.

SO ORDERED, this 14th day of October, 2020.



R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA