

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

COLUMBIA MUTUAL INSURANCE)
COMPANY,)

Plaintiff,)

v.)

No. 08-3179

R.B. ERECTION, INC.,)
HALVERSON CONSTRUCTION)
COMPANY, INC., T-CORP, and)
DOUGLAS GAGNON,)

Defendants.)

OPINION

JEANNE E. SCOTT, U.S. District Judge:

In an Opinion dated November 4, 2008 (November 4th Opinion) (d/e 27), this Court reserved ruling on the portion of Plaintiff Columbia Mutual Insurance Company’s (Columbia) Motion for Default Judgment as to Defendants R.B. Erection, Inc. and Douglas Gagnon (d/e 26) that related to Defendant Douglas Gagnon. The Court found that Gagnon failed to appear in this action despite being served with summons and the Complaint. See November 4th Opinion, p. 2-3. The Court noted that an Order of Default was entered against Gagnon, and Gagnon was given notice

of the default. Id. Gagnon again failed to appear. Id.

The Court, however, declined to enter default judgment against Gagnon because Columbia failed to submit an affidavit establishing that Gagnon is not an infant, incompetent person, or in military service, as required by this Court's October 16, 1985, Standing Order. The Court granted Columbia additional time to file the required affidavit and directed Columbia to serve this document on Gagnon. The required affidavit was filed on November 10, 2008, and served on Gagnon the same day by U.S. Mail. Affidavit in Support of Motion for Default Judgment as to Defendant Douglas Gagnon (d/e 28); Certificate of Service (d/e 29). Gagnon again failed to appear. Therefore, the Court finds entry of default judgment against Gagnon to be appropriate.

THEREFORE, Columbia's Motion for Default Judgment as to Defendants R.B. Erektion, Inc. and Douglas Gagnon (d/e 26) is ALLOWED as it relates to Defendant Douglas Gagnon. The Court enters default judgment in favor of Plaintiff Columbia Mutual Insurance Company and against Defendant Gagnon as follows:

The Court finds that Plaintiff Columbia Mutual Insurance Company does not provide coverage to R.B. Erektion under its policy number CTPIL00579

for the allegations made in Count IV of Defendant Halverson Construction Company, Inc.'s Third-Party Complaint in Cause No. 2006-L-0119, pending in Sangamon County, Illinois in which Douglas Gagnon is the Plaintiff and Halverson Construction Company is the Defendant, and that Columbia is under no obligation to indemnify R.B. Erickson against any claim for damages arising out of Count IV of the Third-Party Complaint filed by Halverson Construction Company.

The instant Opinion resolves the final outstanding claims in this case.

Thus, all pending motions are denied as moot, and this case is closed.

IT IS THEREFORE SO ORDERED.

ENTER: December 3, 2008

FOR THE COURT:

s/ Jeanne E. Scott
JEANNE E. SCOTT
UNITED STATES DISTRICT JUDGE