

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ATAIN SPECIALTY INSURANCE)
 COMPANY,)
)
 Plaintiff,)
)
 vs.)
)
 THOMRICK CORP d/b/a FOLEY)
 TRAVERN and JOHN GUEST,)
)
 Defendants.)

Case No. 15-cv-00161-JPG-SCW

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff Atain Specialty Insurance Company’s (“Atain”) Motion (Doc. 24) for Judgment on the Pleadings pursuant to Federal Rule of Civil Procedure 12(c). Defendants indicated to the Court at a status conference (Doc. 25) that they would not file a response and no response has been filed.

In ruling on a motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c), the Court considers the complaint, answer and any written instruments attached to those pleadings. *See Pisciotta v. Old Nat’l Bancorp*, 499 F.3d 629, 633 (7th Cir. 2007); *Forseth v. Village of Sussex*, 199 F.3d 363, 368 (7th Cir. 2000). Judgment on the pleadings is appropriate when “[t]he moving party demonstrates that there are no material issues of fact to be resolved.” *Moss v. Martin*, 473 F.3d 694, 698 (7th Cir. 2007).

Local Rule 7.1(c) provides that, “Failure to timely file a response to a motion may, in the Court’s discretion, be considered an admission on the merits of the motion.” Being fully aware of the court’s rule and having specifically indicated to the Court that they would not file a response, the Court is exercising its discretion to consider Defendant’s failure to respond as an admission of the Plaintiff’s motion.

