

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
SOUTHERN DIVISION  
AT PIKEVILLE**

**LM GENERAL INSURANCE COMPANY,**

**Plaintiff,**

**V.**

**JAMES POTTER,**

**Defendant.**

**CIVIL ACTION NO. 7:17-3-KKC**

**OPINION AND ORDER**

This matter is before the Court on the motion for summary judgment (DE 10) filed by the plaintiff LM General Insurance Company.

The defendant James Potter was insured under an automobile insurance policy issued by LM General. On January 30, 2016, he installed a new gas line on his motorcycle. After making the repairs, he started the motorcycle and it backfired, igniting nearby gasoline. The fire spread quickly and Potter suffered burns to his body. LM General filed this action requesting a declaratory judgment that the insurance policy does not cover any of the injuries sustained by Potter.

Potter does not dispute that the policy does not cover the motorcycle. The motorcycle is not listed as a covered vehicle in the policy and the policy explicitly excludes coverage for any vehicle with less than four wheels. In his response to LM General's motion for summary judgment, Potter argues that his injuries are covered under the policy's underinsured and uninsured motorist coverage. The policy provides that these coverages apply only when the insured could recover damages from the owner of an uninsured or underinsured vehicle. This coverage does not apply to Potter's claims because there is no

other vehicle owner liable for his injuries. The policy explicitly states that the terms “uninsured motor vehicle” and “underinsured motor vehicle” do not include any vehicle owned by the insured.

For these reasons, the Court hereby ORDERS that LM General’s motion for summary judgment (DE 10) is GRANTED. The court will enter a separate judgment declaring that any claims by Potter for insurance coverage arising out of the January 30, 2016 motorcycle incident described in the complaint are not covered under the insurance policy issued by LM General.

Dated March 5, 2018.



*Karen K. Caldwell*

KAREN K. CALDWELL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY