

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

MARLON HOLMES	*	CIVIL ACTION
VERSUS	*	NO: 08-1576
SGS PETROLEUM SERVICES CORP., ET AL	*	SECTION: "D"(1)

**ORDER AND REASONS**

Before the court is the **Motion for Summary Judgment (Doc. No. 76)** filed by Defendant, Travelers Property Casualty Company of America (Travelers), as an alleged insurer of Defendant, Wellman of Mississippi, Inc. **No memorandum in opposition was filed.** The motion, set for hearing on Wednesday, May 5, 2010, is before the court on Travelers' brief, without oral argument.

Having considered the memorandum of Travelers' counsel, the record, and the applicable law, the court finds that it is undisputed that Plaintiff's accident did not occur in Louisiana and the subject insurance policy was not issued or delivered in Louisiana. Thus, as a matter of law, Plaintiff has no direct action against Travelers under Louisiana's Direct Action Statute, LSA-R.S. 22:655. Accordingly;

**IT IS ORDERED** that the *unopposed Motion for Summary Judgment* (Doc. No. 76) filed by Defendant, Travelers Property Casualty Company of America, be and is hereby **GRANTED**, dismissing Travelers from this litigation.

New Orleans, Louisiana, this **5th** day of **May**, 2010.

A handwritten signature in black ink, appearing to read "A.J. McNamara", is written over a horizontal line.

A.J. McNAMARA  
UNITED STATES DISTRICT JUDGE