

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**CANDICE TRUDY MILLER, ET AL.,
Plaintiffs**

CIVIL ACTION

VERSUS

**NO. 16-2892
c/w 17-1542**

**NABORS OFFSHORE
CORPORATION, ET AL.,
Defendants**

SECTION "E" (1)

APPLIES TO: 17-1542

ORDER & REASONS

The Court has pending before it Gemini Insurance Company's motion for summary judgment against the Plaintiffs.¹ The Plaintiffs did not file an opposition to the motion. Accordingly, the Court considers Plaintiff's statement of uncontested facts to be admitted pursuant to LR 56.2. Although the dispositive motion is unopposed, summary judgment is not automatic and the Court must determine whether Plaintiff has shown entitlement to judgment as a matter of law. *See, e.g., Johnson v. Pettiford*, 442 F.3d 917, 918 (5th Cir. 2006); Fed. R. Civ. P. 56(a).

According to Plaintiff's statement of uncontested facts, the Gemini Insurance Company Energy Commercial General Liability Policy issued to Whistler Energy II, LLC was written and delivered in Texas and this suit arises from an alleged tort that occurred aboard a fixed platform located in the Gulf of Mexico, off the coast of Louisiana, on the Outer Continental Shelf.² Louisiana's direct action statute provides a direct cause of

¹ R. Doc. 70.

² R. Doc. 70-3.

action against the insurer of an alleged tortfeasor when the policy was written or delivered in Louisiana or the alleged tort occurred in Louisiana.³

In the absence of any opposition filed by the Plaintiffs, the Court concludes that this satisfies Plaintiff's burden to show that the Plaintiffs do not have a direct action against Gemini Insurance Company.

For the foregoing reasons;

IT IS ORDERED that Gemini Insurance Company's motion for summary judgment motion is **GRANTED**. Plaintiffs' claims against Defendant Gemini Insurance Company is **DISMISSED WITH PREJUDICE**.

New Orleans, Louisiana, this 7th day of September, 2017.



SUSIE MORGAN
UNITED STATES DISTRICT JUDGE

³ *Quarles v. Helmerich & Payne Int'l Drilling Co.*, No. CV 16-2038, 2017 WL 2634203 (E.D. LA. June 19, 2017). See also La. R.S. 22:1269.