

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

**ALLIED TRUST INSURANCE COMPANY**

**CIVIL ACTION**

**VERSUS**

**No. 22-2079**

**EDDIE PELLEGRIN, ET AL**

**SECTION I**

**ORDER & REASONS**

Before the Court is a motion<sup>1</sup> by defendants, Chelsy and Eddie Pellegrin (“defendants”), to dismiss plaintiff Allied Trust Insurance Company’s (“plaintiff”) complaint<sup>2</sup> as moot, pursuant to Federal Rule of Civil Procedure 12(b)(1). Plaintiff filed a response to defendants’ motion to dismiss on August 29, 2022, in which plaintiff stated that, “[b]ecause appraisal is now complete in this matter, [plaintiff] does not dispute that the issues raised in its Complaint for Declaratory Action have been resolved.”<sup>3</sup> Plaintiff’s response does not advance any arguments against, or in any way indicate opposition to granting defendants’ motion to dismiss. Accordingly, the Court considers the motion unopposed.

Considering the foregoing,

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<sup>1</sup> R. Doc. No. 13.

<sup>2</sup> R. Doc. No. 1. Plaintiff’s complaint sought “a declaratory judgment and order recognizing its right to invoke Appraisal and Defendants’ obligation to fully cooperate with same[;]” “a declaratory judgment and order requiring Defendants to designate a competent, impartial, and disinterested Appraiser who is registered with the Louisiana Department of Insurance pursuant to La. R.S. §22:1807.1[;]” and “a declaratory judgment and order for the selection of an Appraisal Umpire.” *Id.* at ¶¶ 17–19.

<sup>3</sup> R. Doc. No. 17, at 2. Plaintiff’s response also states that “the dispute over the amount of this loss was reasonable and was properly resolved in good faith.” *Id.*

**IT IS ORDERED** that defendants' motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1) is **GRANTED** and plaintiff's complaint is **DISMISSED** as **MOOT**.

New Orleans, Louisiana, September 20, 2022.

  
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LANCE M. AFRICK  
UNITED STATES DISTRICT JUDGE