

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

VIRGIE RAY

CIVIL ACTION

VERSUS

NUMBER 14-631-SCR

STAGE STORES, INC., ET AL

ORDER GRANTING SUMMARY JUDGMENT

The Ruling on Motion for Summary Judgment granted summary judgment in favor of defendants Specialty Retailers, Inc., and Stage Stores, Inc., dismissing the plaintiff's claims against them with prejudice.¹ Defendant New Hampshire Insurance Company, which plaintiff alleged issued a policy of insurance to defendant Stage Stores, Inc., did not join in the motion filed by its insured and Specialty Retailers, Inc., nor file its own motion for summary judgment.

After considering the summary judgment record developed on Specialty Retailers, Inc. and Stage Stores, Inc.'s Motion for Summary Judgment,² and the Ruling on Motion for Summary Judgment as to defendants Stage Stores and Specialty Retailers, there no longer appears to be any basis in the record for the plaintiff's claims against defendant New Hampshire Insurance Company.

Pursuant to Rule 56(f)(1), Fed.R.Civ.P., the parties were

¹ Record document number 49.

² Record document number 20.

notified that the court is considering granting summary judgment to, and entering judgment in favor of, defendant New Hampshire Insurance Company and were given time to file memoranda and evidence which demonstrates why summary judgment should not be granted to New Hampshire Insurance Company.³

Plaintiff did not file any response to the Notice and Order. Defendant New Hampshire Insurance Company filed a memorandum and a copy of the policy issued to Stage Stores, Inc.⁴ Defendant noted that the policy provides for payment of such sums as "the Insured becomes legally obligated to pay as damages." Defendant argued that because the court has determined its insured is not legally obligated to pay any amount of damages, under Louisiana law it cannot be liable to the plaintiff for payment under the policy.

The court agrees with the defendant.

For the reasons stated in the Ruling on Motion for Summary Judgment and the reasons argued by defendant New Hampshire Insurance Company in its memorandum, summary judgment for the defendant is supported by the record.

Therefore;

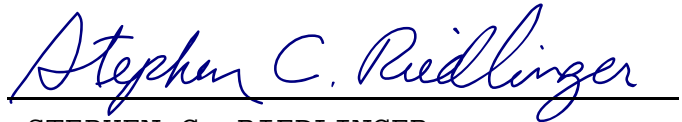
IT IS ORDERED that summary judgment is also granted to defendant New Hampshire Insurance Company, dismissing the

³ Record document number 50. Rule 56(f) provides that after giving notice and a reasonable time to respond, the court may grant summary judgment for a nonmovant.

⁴ Record document number 51.

plaintiff's claims against it. A separate final judgment will be issued.

Baton Rouge, Louisiana, September 1, 2015.



STEPHEN C. RIEDLINGER
UNITED STATES MAGISTRATE JUDGE