

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

SAFE AUTO INSURANCE COMPANY

PLAINTIFF

VERSUS

CIVIL NO: 5:08cv253-DCM-JMR

MARCUS PICKETT, ANDRE WOODS,
NPC INTERNATIONAL INC., AND
GERARD W. DONALD AND REGINA DONALD

DEFENDANTS

ORDER FOR DEFAULT JUDGMENT

This matter comes before the Court on plaintiff's Motion for Final Default Judgment [docket entry no. 35] against defendant Andre Woods pursuant to Federal Rule of Civil Procedure 55(b).

According to the original Complaint, on September 17, 2006, defendant Marcus Pickett ("Pickett") was operating Andre Woods' automobile when he was involved in a collision with defendants Gerard and Regina Donald ("the Donalds"). Subsequently, the Donalds filed suit against Pickett in the Circuit Court of Adams County, Mississippi, seeking damages from the accident.

Plaintiff Safe Auto Insurance Company ("Safe Auto") filed this action for declaratory relief on August 1, 2008. In the original Complaint, Safe Auto sought a declaration that the automobile insurance policy issued to Andre Woods was void *ab initio* at the time of the collision due to nonpayment of premiums and, therefore, provides no coverage due to Woods or Pickett in the pending state court action filed by the Donalds. Woods was not a party to the original Complaint filed by Safe Auto. However, Safe Auto filed an Amended Complaint [docket entry no. 28] including Woods as a

defendant on July 15, 2009. Thereafter, Woods was served with the Summons and Complaint on July 30, 2009, and said process was properly returned and filed herein.

This Court entered a default judgment as to Marcus Pickett and Gerard and Regina Donald on July 20, 2009, because they failed to plead or otherwise defend this action. Safe Auto filed this instant Motion for Default against Woods on September 20, 2009, because he also failed to plead or defend this action. The Clerk entered an Entry of Default as to Woods on September 1, 2009.

Because Woods has failed to plead or defend this action, the Court finds Safe Auto's motion for default judgment to be well-taken. The Court finds that Andre Woods is in default in this action.

Accordingly,

IT IS HEREBY ORDERED that Safe Auto's Motion for Default Judgment as to Defendant Andre Woods [docket entry no. 35] is GRANTED.

IT IS FURTHER ORDERED that default judgment hereby is entered against defendant Andre Woods.

SO ORDERED AND ADJUDGED, this the 14th day of December 2009.

s/ David Bramlette

United States District Court