

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION**

**PENNSYLVANIA NATIONAL MUTUAL
CASUALTY INSURANCE COMPANY,**

Plaintiff,

v.

BEACH MART, INC.

Defendant.

Motion GRANTED.

This the 28 day of December, 2022.

/s/Louise W. Flanagan, U.S. District Judge

2:14-cv-00008-FL

**CONSENT MOTION TO REALIGN THE PARTIES
AND SET THE ORDER OF PROOF AT TRIAL**

Beach Mart, Inc., (“Beach Mart”) by and through its undersigned counsel and with the consent of the Plaintiff, respectfully moves this Court to realign the parties.

For the reasons below, the parties request that (1) Beach Mart be realigned as Plaintiff and Pennsylvania National Mutual Casualty Insurance Company (“Penn National”) be re-aligned as defendant and (2) that the order of proof at trial be set accordingly.

I. PROCEDURAL HISTORY

1. This case began when Penn National filed a Complaint in this action seeking a declaratory judgment against Beach Mart. ECF No. 1. On October 2, 2017, Penn National filed an Amended Complaint. ECF No. 40.

2. In response, Beach Mart filed an Amended Answer which also contained certain counterclaims. ECF No. 44.

3. In response to the counterclaims, on November 6, 2017, Penn National filed an Answer to the counterclaims and asserted affirmative defenses. ECF No. 45.