

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

COMPANION PROPERTY AND)
CASUALTY INSURANCE)
CORPORATION,)
Plaintiff,)
v.)
W.O. WHITE TRUCKING, LLC;)
WILLIAM O. WHITE; MARTY G.)
WHITE; DELMA O. WHITE; HILDA D.)
WHITE; DOW 1, LLC; and PDWOW,)
LLC,)
Defendants.)

JUDGMENT
No. 4:15-CV-55-F

Decision by Court.

This action came before the Honorable James C. Fox, Senior United States District Judge, for ruling as follows:

IT IS ORDERED, ADJUDGED AND DECREED that pursuant to the court’s order dated February 2, 2015, the Plaintiff’s Motion for Partial Summary Judgment and Stay of Further Proceedings is ALLOWED. The Defendants are jointly and severally liable to the Plaintiff and are hereby specifically ORDERED to perform their duty to post collateral security under the Indemnity Agreement; The Defendants are hereby ORDERED to post to the Plaintiff collateral security in the amount of One Million Dollars (\$1 ,000,000): (1) in certified funds within fifteen (15) days of the Order; or (2) in real property, personal property, assignments, and/or security interests in property within twenty (20) days of the Order; or (3) a combination of cash in certified funds and property within twenty (20) days of the Order; The Court hereby STAYS all further proceedings in this matter pending the Plaintiffs completion of the construction projects identified in its Verified Complaint; The Plaintiff is hereby ORDERED to notify this Court when all such construction projects have been completed and the final amount of its indemnity claim is known; and The Plaintiffs Motion for Preliminary Injunction [DE-3] is hereby DENIED AS MOOT.

IT IS ORDERED, ADJUDGED AND DECREED that pursuant to the court’s order dated August 4, 2016, it is hereby ORDERED that the stay is lifted in this matter against Defendants W.O. White Trucking, LLC and Dow 1, LLC, and Plaintiff’s Second Cause of Action is DISMISSED without prejudice as to those defendants. Plaintiff notes that "[a]ll other Defendants are either in bankruptcy or have settled with Companion." The court is aware of only one Defendant having

reached a settlement in this case-PDWOW, LLC. Therefore, Plaintiff is ORDERED to submit a report on the status of all claims against Defendants William White, Marty White, Delma White, and Hilda White no later than fourteen (14) days from the filing date of the order.

IT IS ORDERED, ADJUDGED AND DECREED that pursuant to the court's order dated September 16, 2016, before the court is Plaintiff Companion Property and Casualty Insurance Company's motion [DE-55] for voluntary dismissal without prejudice of the remaining defendants. For good cause shown, Plaintiff's motion is ALLOWED. All remaining claims against Defendants William O. White, Marty G. White, Delma O. White, and Hilda D. White are hereby DISMISSED without prejudice. The following claims remain in this case: (1) a cross claim by PDWOW LLC against Dow 1 LLC, W.O. White Trucking LLC, Delma O. White, Marty G. White, and William O. White; and (2) a cross claim by Delma O. White and Hilda D. White against PDWOW LLC and William O. White. Accordingly, cross claimants PDWOW LLC, Delma O. White, and Hilda D. White are ORDERED to notify the court within **seven days** of the filing date of the order whether they intend to pursue these claims.

IT IS FINALLY ORDERED, ADJUDGED AND DECREED that the cross claimants have not responded to the court's order. Accordingly, the following claims are DISMISSED: (1) PDWOW LLC's cross claim against Dow 1 LLC, W.O. White Trucking LLC, Delma O. White, Marty G. White, and William O. White; and (2) Delma O. White and Hilda D. White's cross claim against PDWOW LLC and William O. White. The Clerk of Court is DIRECTED to close this case.

This Judgment Filed and Entered on October 25, 2016, and Copies To:

William O. White, W.O. White Trucking, LLC (via US Mail to 1001 Bennett Neck Rd., Grantsboro, NC 28529)

Marty G. White (via US Mail to 1001 Bennett Neck Rd., Grantsboro, NC 28529)

Daniel R. Hansen (via CM/ECF Notice of Electronic Filing)

William H. Sturges (via CM/ECF Notice of Electronic Filing)

David J. Haidt (via CM/ECF Notice of Electronic Filing)

Ramsay Tyler Archie (via CM/ECF Notice of Electronic Filing)

DATE
October 25, 2016

JULIE RICHARDS JOHNSTON, CLERK
/s/ Susan K. Edwards
(By) Susan K. Edwards, Deputy Clerk