

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Civil Action No. 1:20-cv-00041-MR**

**THOSE CERTAIN UNDERWRITERS
AT LLOYD'S, LONDON, subscribing
to Certificate No. 492252,**

Plaintiffs,

vs.

**MEDICAL FUSION, LLC, a North
Carolina limited liability company;
SUPERIOR HEALTHCARE
PHYSICAL MEDICINE OF
HENDERSONVILLE, PC, a dissolved
North Carolina professional
corporation; JEFFREY G. HEDGES,
D.C.; and ANDREW WELLS, D.C.;**

Defendants.

**DEFAULT JUDGMENT AS TO
JEFFREY G. HEDGES, D.C.**

THIS MATTER is before the Court on the Plaintiffs' Motion for Default Judgment as to Defendant Jeffrey G. Hedges (the "Defaulting Defendant") [Doc. 57].

Having considered the motion and the entire record, the Court enters the following Order granting the motion and entering Default Judgment against the Defaulting Defendant identified above as follows:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Court has subject matter jurisdiction over this case and personal jurisdiction over the Defaulting Defendant. Venue is proper in the Western District of North Carolina.

2. The Defaulting Defendant identified above was properly served with a summons and a copy of the Complaint pursuant to Fed. R. Civ. P.

4. Thus, this Defendant has proper notice of this action.

3. The Defaulting Defendant filed his Answer [Doc. 24] to the Plaintiffs' Complaint [Doc. 1] on April 17, 2020. However, thereafter, he abandoned his defense of this action, and filings sent to his address were returned undeliverable. [See Doc. 45]. On August 14, 2023, the Court ordered the Defaulting Defendant to show cause in writing within fourteen (14) days why an entry of default should not be made against him. [Doc. 50]. He did not respond. As a result, on September 1, 2023, the Court ordered the Defaulting Defendant's Answer stricken, and directed the Clerk to enter a default against him. [Doc. 53].

4. By virtue of the default and failure to respond, the Defaulting Defendant is deemed to have admitted the allegations of the Complaint, and the Plaintiffs have established the propriety of the relief sought against the Defaulting Defendant. Accordingly, the Court will enter

the Plaintiffs' requested declaratory relief as set forth below, pursuant to 28 U.S.C. § 2201 *et seq.*

Accordingly, **IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED** that the Plaintiffs' Motion for Default Judgment [Doc. 57] is **GRANTED**, and Default Judgment is hereby entered against the Defaulting Defendant, Jeffrey G. Hedges, D.C., as follows:

1. The Court hereby declares that the allegations contained in the Government's Intervention Complaint at 5:16-CV-127-BO do not trigger a duty to defend or indemnify the Defaulting Defendant under the e-MD®/MEDEFENSE® Plus Coverage, Certificate No. 492252 ("the Policy") issued by Plaintiffs to Defendant Superior Healthcare Physical Medicine of Hendersonville, PC, nor does it otherwise trigger coverage thereunder as to the Defaulting Defendant;

2. The Court hereby declares that the Policy is rescinded based on the material misrepresentations made in the application therefor by Defendant Superior Healthcare Physical Medicine of Hendersonville, PC;

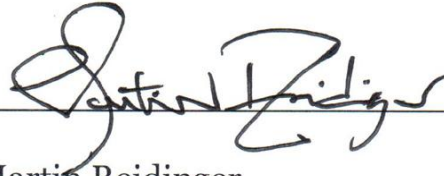
3. The Court hereby declares the Policy to be null and void pursuant to Paragraph 26 of the Policy; and

4. The Court hereby declares the Policy to be forfeited pursuant to Paragraph 27 of the Policy.

Further, there being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is directed to enter this Default Judgment forthwith and without further notice.

IT IS SO ORDERED.

Signed: February 5, 2024

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger
Chief United States District Judge

