

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Geico Casualty Company,

Plaintiff,

v.

Case No. 2:16-cv-1204

Russell Holt, et al.,

Defendants.

ORDER

This matter is before the court on plaintiff's motion for default judgment against defendants Russell Holt and Tabitha Holt. An entry of default was filed in this case on June 6, 2017, as to these defendants. On June 14, 2017, plaintiff filed a motion for default judgment against these defendants and served them with a copy of the motion. These defendants have not responded to the motion.

Plaintiff's motion for default judgment (Doc. 12) is granted, and plaintiff is granted default judgment against defendants Russell Holt and Tabitha Holt on plaintiff's complaint for declaratory judgment. The clerk shall enter judgment declaring the following:

1. Ohio contract law applies to the interpretation or adjudication of any contractual dispute arising with reference to the GEICO Ohio Family Automobile Insurance Policy issued to defendants Russell Holt and Tabitha Holt;
2. Neither the 2009 Ford Focus nor the 2009 Volvo Conventional involved in the January 31, 2016, motor vehicle accident resulting in the death of Brandan Ray Sutherland meet the definition of either an "uninsured" or "underinsured" motor vehicle pursuant to the GEICO Ohio

Family Automobile Insurance Polic issued to defendants Holt;

3. Stacking of uninsured and/or underinsured motorist coverage is barred by Ohio law and the plain and unambiguous language of the GEICO Ohio Family Automobile Insurance Policy issued to defendants Holt;
4. The amount payable, if any, pursuant to the uninsured and/or underinsured motorist provisions of the GEICO Ohio Family Automobile Insurance Policy issued to defendants Russell Holt and Tabitha Holt is reduced by all amounts paid, or payable in the future, by and for all persons liable for injuries sustained by defendants Holt and the Estate of Brandon Ray Sutherland; and
5. Neither uninsured nor underinsured motorist coverage is available in relation to Brandon Ray Sutherland's death, under the plain and unambiguous language of the subject GEICO Ohio Family Automobile Insurance Policy.

It is so ordered.

Date: July 14, 2017

s/James L. Graham
James L. Graham
United States District Judge