

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

Essex Insurance Company,)
)
Plaintiff,)
v.)
)
Jackie T. Knight and Ronald G.)
Nichols, individually and on behalf)
of all others similarly situated, Adiz,)
LLC, ATC Development Corp., and)
ATC Construction, LLC, Duck &)
Son Roofing, Inc. a/k/a Duck & Son,)
Inc.,)
)
Defendants.)
_____)

Civil Action No. 1:13-00251-JMC

**ORDER OF DEFAULT JUDGMENT AS
TO DUCK & SON ROOFING, INC A/K/A
DUCK & SON, INC.**

This matter is before the court by way of a motion by Plaintiff Essex Insurance Company (“Plaintiff”) for default judgment as to Defendant Duck & Son Roofing, Inc. a/k/a Duck & Son, Inc. (“Defendant”), pursuant to Fed. R. Civ. P. 55(b)(2). (ECF No. 34.)

On January 25, 2013, Plaintiff filed this action against Defendant, Jackie T. Knight, Ronald G. Nichols, Adiz, LLC, ATC Development Corp., and ATC Construction, LLC, seeking a declaration that the claims in an underlying state court action do not give rise to a duty to indemnify under several commercial general liability insurance policies. (ECF No. 1.) Defendant failed to answer the complaint and Plaintiff requested entry of default on June 11, 2013, which the Clerk entered on the same day. (See ECF Nos. 23, 24.) Thereafter, on August 29, 2013, Plaintiff filed the instant, unopposed motion for default judgment as to Defendant. (ECF No. 34.)

Based on the foregoing, and upon consideration of the summons and complaint, the

affidavit of due diligence, the affidavit of publication, the affidavit of default, and the motion for default judgment by Plaintiff, the court finds that Defendant is in default in this matter.

It is, therefore, ordered, adjudged and decreed that Defendant Duck & Son Roofing, Inc. a/k/a Duck & Son, Inc., is in default, and that there is no coverage under the insurance policies as set forth in complaint.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

October 4, 2013
Greenville, South Carolina