

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Auto-Owners Insurance Company,)
)
Plaintiff,)
)
vs.)
)
Personal Touch Med Spa LLC; Inder Hora;)
Sapna Hora; Alexandria Gardner;)
Dana Buffo; and Tracie Carricker,)
)
Defendants.)
_____)

Civil Action No.: 4:10-cv-683-TLW

ORDER

This matter is before the Court on Motion to Dismiss filed by plaintiff, Auto-Owners Insurance Company (“plaintiff”), on December 7, 2012. (Doc. #93). In the motion, plaintiff informs the Court that a portion of the state court case underlying the above-captioned federal declaratory judgment action was successfully mediated on December 4, 2012. (See Docs. #92, 93).

This Court previously entered two Orders in this case, one on January 14, 2011 (Doc. #44) and one on October 18, 2011 (Doc. #75), which disposed of all of the issues and claims presented in this action, with the exception of the claim of defendant Tracie Carricker. (See Docs. #44, 75). This Court previously found that Ms. Carricker’s claim was the only claim that could potentially be covered by the plaintiff’s insurance policy. Thus, Ms. Carricker’s claim was the only remaining claim before this Court. In its motion, plaintiff advises the Court that that sole remaining claim before this Court was mediated successfully on December 4, 2012. (See Doc. #93). Consequently, there is no remaining case or controversy before this Court with regard to the claim of defendant Tracie Carricker. See Townes v. Jarvis, 577 F.3d 543, 546 (4th Cir. 2009) (noting that a court lacks jurisdiction when a case is moot or when the resolution of the issues presented no longer implicates

a legally cognizable interest).

Accordingly, having been informed that the sole remaining claim that was before this Court was mediated successfully during the December 4, 2012 mediation, this Court concludes that there is no remaining case or controversy for this Court to decide.

IT IS THEREFORE ORDERED that the plaintiff's Motion to Dismiss (Doc. #93) is **GRANTED**, and any remaining claims presented in this declaratory judgment action are dismissed as **MOOT**.¹

IT IS SO ORDERED.

s/ Terry L. Wooten
The Honorable Terry L. Wooten
United States District Judge

January 17, 2013
Florence, South Carolina

¹ This Court previously granted summary judgment in favor of plaintiff as to plaintiff's argument that the policy provides no coverage for the claims alleged by defendant Alexandria Gardner and defendant Dana Buffo in the underlying state court complaint. (Docs. #44, 75). Although Ms. Carricker's claim in the underlying action was mediated successfully, the Court has been advised that the claims of defendant Buffo and defendant Gardner remain pending in the underlying state court action. Accordingly, the Court hereby issues a "final civil judgment" in accordance with 28 U.S.C. § 1291 with respect to this Court's Orders entered on January 14, 2011 (Doc. #44) and on October 18, 2011 (Doc. #75). Accordingly, this Order shall be considered the "final order" disposing of this case.