

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ASPEN SPECIALTY INSURANCE)
COMPANY,)
)
Plaintiff,)
v.)
)
SOUTHEAST TITLE OF)
MURFREESBORO, LLC, CARLA)
DILLARD, and FIRST COMMUNITY)
MORTGAGE, INC.,)
)
Defendants.)

NO. 3:13-CV-1359
JUDGE WILLIAM J. HAYNES

DMSK
Den motion
NO GRANTED
Will [signature]

ASPEN’S MOTION FOR LEAVE TO FILE A REPLY MEMORANDUM

COMES NOW, Plaintiff Aspen Specialty Insurance Company (“Aspen”) and hereby *4-3-14*
requests pursuant to L.R. 7.01 that this Court grant Aspen leave to file a reply memorandum in
response Defendants Southeast Title of Murfreesboro, LLC and Carla Dillard’s (collectively,
“Southeast Title”) Response in Opposition to Aspen’s Motion to Reopen and Amend (the
“Response”). (D.E. 23). Southeast Title’s Response raises new arguments regarding whether the
court should abstain from exercising discretion over this declaratory judgment action that
necessitate further briefing from Aspen. Additionally, Southeast Title’s arguments regarding
Aspen’s duty to defend touch on the merits of this case and, if accepted, are case dispositive for
practical purposes by depriving Aspen of a declaration of its rights regarding the duty to defend
until the Underlying Action is concluded. Accordingly, Aspen requests the opportunity to reply
to ensure that the court is fully appraised of all law and facts before making a decision in this
matter. A proposed Reply in Support of Aspen’s Motion is attached (Exhibit 1).