

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

MOUNTAIN LAUREL ASSURANCE
COMPANY,

Plaintiff,

v.

JESSE DANIEL SCOTT SALINAS,
WILDA PERKINS and JAMES PERKINS,

Defendants.

No.: 1:13-CV-01059-JDB-egb

REPORT AND RECOMMENDATION

Upon Plaintiff's Motion for default judgment as to Defendant Salinas, this Court's order of reference to the United States Magistrate Judge for a report and recommendation thereon, the statements of counsel in open court heard on June 4, 2013, and the entire record in this matter, the United States Magistrate Judge reports as follows:

Plaintiff Mountain Laurel Assurance Company (Plaintiff), properly served process of this cause upon Defendant Jesse Daniel Scott Salinas (Salinas); Salinas has failed to answer or otherwise appear in this cause; and the Clerk of this Court has entered default as to Salinas. Plaintiff's motion for default judgment as to Salinas is well-taken and should be granted as to Salinas. Therefore, Plaintiff is entitled to a decree that Plaintiff's relief sought in the Complaint, as against Salinas, is granted. Salinas is not entitled to receive further notice of hearings or service of documents in this cause, to present a defense in this cause, or otherwise to contest the issues involved in this

cause. Should any other party tender Salinas as a fact witness at a later time, any issues as to acceptance and weight of testimony from Salinas are reserved until such time.

The Magistrate Judge further finds that Defendants James and Wilda Perkins (Perkinses) have filed an answer in this cause and are entitled to proceed further in this matter, notwithstanding the default judgment granted against Salinas. Should the Court later declare that Salinas was a covered driver under the insurance policy at issue here, this default judgment against Salinas shall not preclude the Perkinses from recovery to which they may become entitled under said policy.

Respectfully Submitted,

s/Edward G. Bryant
EDWARD G. BRYANT
UNITED STATES MAGISTRATE JUDGE

Date: **June 18, 2013**

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT AND RECOMMENDATIONS MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT AND RECOMMENDATIONS. 28 U.S.C. § 636(b)(1). FAILURE TO FILE THEM WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.

APPROVED FOR ENTRY:

RAINEY, KIZER, REVIERE & BELL, PLC

s/James V. Thompson
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing report. All other parties listed below will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

Jesse Daniel Scott Salinas
153 Old Denmark Road
Jackson, TN 38301
Defendant

This the 18th day of June, 2013.

s/James V. Thompson