

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

PROGRESSIVE SOUTHEASTERN)
INSURANCE COMPANY,)
)
Plaintiff,)
) 1:15-cv-00506-RLY-DKL
vs.)
)
CORE TRANSPORTATION, LLC,)
TRANSPORT LABOR)
CONTRACT/LEASING, INC., PENSKE)
TRUCK LEASING CO., L.P., PENSKE)
TRUCK LEASING CORPORATION, and)
DERREK CLARK,)
)
Defendants.)

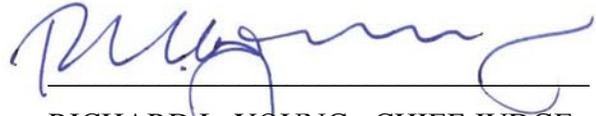
ORDER ON PROGRESSIVE’S UNOPPOSED MOTION TO DISMISS

Plaintiff, Progressive Southeastern Insurance Company, filed this declaratory judgment action against Defendants, Core Transportation, LLC, Transport Labor Contract/Leasing, Inc., Penske Truck Leasing Co., L.P., Penske Truck Leasing Corporation, and Derrek Clark, to resolve a dispute regarding insurance coverage and indemnification. Progressive now moves to voluntarily dismiss its case for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 41(a)(2). No party opposes the motion.

The court finds that because Progressive and Core Transportation are both citizens of Indiana, there is not complete diversity among the parties. Therefore, the court lacks subject matter jurisdiction over this dispute. Plaintiff’s Motion to Dismiss (Filing No.

66) is **GRANTED**. This case is **DISMISSED WITHOUT PREJUDICE**, and the Clerk is **DIRECTED** to close this case forthwith.

SO ORDERED this 28th day of July 2016.



RICHARD L. YOUNG, CHIEF JUDGE
United States District Court
Southern District of Indiana

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