

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Robert J. Alumbaugh
CLERK OF STATE COURT

MOHMEDRAFIK SHAIKH,)
Plaintiff,)
) CIVIL ACTION
vs.)
) FILE NO. 18-C-04149-S5
STEPHEN DORSEY,)
Defendant.)

ORDER GRANTING SUMMARY JUDGMENT
IN FAVOR OF MERCURY

THIS MATTER came before the Court on Mercury Indemnity Company of Georgia's Motion for Summary Judgment, Plaintiff's reply and Utica Insurance Group's Sur-reply in Opposition. Having considered all matters of record and the applicable and controlling law, the Court finds that Mercury Indemnity Company of Georgia's Motion for Summary Judgment shall be, and the same hereby is, GRANTED. There are no genuine issues of material fact in dispute, and Mercury Indemnity Company of Georgia (Mercury) is entitled to judgment as a matter of law.

Plaintiff's insurance policy with Mercury required Plaintiff to notify Mercury within thirty (30) days after an accident or loss. This notice provision was a condition precedent to coverage. But Plaintiff did not provide notice to Mercury until more than three (3) years after the accident or loss at issue here. Plaintiff's failure to timely notify Mercury forfeited Plaintiff's right to coverage. Further, Plaintiff's 3-year delay in notifying Mercury was unexcused and unreasonable as a matter of law.

SO ORDERED this 17 day of August, 2020.

Pamela D. South

PAMELA D. SOUTH, Chief Judge
State Court of Gwinnett County

Copies:

Plaintiff
Defendant
Mercury Indemnity Company of Georgia
Utica National Insurance Group