

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA, VALDOSTA DIVISION

Kenneth Daniels v. Main Highway Logistics, LLC, et al.

Daniels · No. 7:24-CV-142 (LAG) · Decided December 31, 2025

SUMMARY

The United States District Court for the Middle District of Georgia granted Southwind Risk Retention Group, Inc.’s motion for judgment on the pleadings in Kenneth Daniels’s motor-vehicle-accident renewal action. The court held that, under the federal Liability Risk Retention Act, Southwind was not subject to Georgia’s direct-action statute because it was a foreign risk retention group.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Valdosta Division
WRITING FOR THE COURT	Leslie A. Gardner, Chief Judge
JURISDICTION	United States District Court for the Middle District of Georgia, Valdosta Division
DECIDED	December 31, 2025
DOCKET	7:24-CV-142 (LAG)
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Southwind Risk Retention Group, Inc. moved for judgment on the pleadings under Federal Rule of Civil Procedure 12(c). Plaintiff filed no response. The court granted the motion and entered judgment on the direct-action claim against Southwind.
STANDARD OF REVIEW	A Rule 12(c) motion for judgment on the pleadings is analyzed under the same standard as a Rule 12(b)(6) motion. The court accepts material factual allegations as true, views them in the light most favorable to the nonmoving party, and may grant judgment only when there is no material factual dispute and the movant is entitled to judgment as a matter of law. The complaint must contain sufficient factual matter to state a plausible claim for relief.
PRECEDENTIAL VALUE	nonprecedential district court order
PARTIES	Kenneth Daniels v. Main Highway Logistics, LLC, Southwind Risk Retention Group, Inc., Jule Jones, John Does 1–3, ABC Corporations

TOPICS

motion for judgment on the pleadings

insurance

insurance coverage

federalism

civil procedure

PRACTICE AREAS

civil procedure

insurance

federal preemption

motor vehicle negligence

QUESTIONS PRESENTED

1. Whether Southwind Risk Retention Group, Inc., a foreign risk retention group, is subject to a direct action in Georgia under O.C.G.A. § 40-2-140.
2. Whether Southwind was entitled to judgment on the pleadings under Federal Rule of Civil Procedure 12(c).

HOLDINGS

1. A foreign risk retention group is not subject to a direct action in Georgia under O.C.G.A. § 40-2-140 because the Liability Risk Retention Act preempts state regulation of the group's insurance operations.
2. Judgment on the pleadings was appropriate because the complaint's allegations, accepted as true, did not establish a legally viable direct-action claim against Southwind.

KEY QUOTATIONS

“The only claim Plaintiff asserts against Defendant Southwind is a direct action claim, and Defendant Southwind—a foreign corporation—is not subject to direct action in Georgia under the Liability Risk Retention Act (LRRRA).” (Discussion)

“Thus, Defendant Southwind is not subject to a direct action in Georgia and is entitled to judgment on the pleadings.” (Discussion)

FACTUAL BACKGROUND

On March 3, 2023, Jule Jones was driving a tractor-trailer southbound on Interstate 75 when a front tire blew out, causing the tractor-trailer to strike a guardrail. Parts of the tractor-trailer crossed into the northbound lanes and struck Kenneth Daniels's vehicle, allegedly causing severe and permanent injuries. Daniels alleged that Jones was operating the vehicle for Main Highway Logistics, LLC, and that Southwind insured Main Highway and was directly liable under Georgia's motor-carrier direct-action statute.

PROCEDURAL HISTORY

Plaintiff originally filed the motor-vehicle action in the State Court of Lowndes County on October 2, 2023, and the action was removed to the Middle District of Georgia on December 1, 2023. The federal action was voluntarily dismissed on July 30, 2024. Plaintiff recommenced the action on December 30, 2024, and Southwind moved for judgment on the pleadings on April 1, 2025. The court granted Southwind's unopposed motion.

DISPOSITION

other

CASES CITED

- Daniels v. Main Highway Logistics LLC, No. 7:23-CV-132 (WLS) (M.D. Ga. 2024)
- Davide M. Carbone v. Cable News Network, Inc., Carbone v. Cable News Network, Inc., 910 F.3d 1345, 1350 (11th Cir. 2018)
- King v. Akima Glob. Servs., 775 F. App’x 617, 620 (11th Cir. 2019) (per curiam)
- Perez v. Wells Fargo N.A., 774 F.3d 1329, 1335 (11th Cir. 2014)
- Cannon v. City of W. Palm Beach, 250 F.3d 1299, 1301 (11th Cir. 2001)
- Stanton v. Larsh, 239 F.2d 104, 106 (5th Cir. 1956)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 556, 570 (2007)
- Reis v. OOIDA Risk Retention Grp., Inc., 814 S.E.2d 338, 343 (Ga. 2018)
- Mutual Pharmaceutical Co., Inc. v. Bartlett, 570 U.S. 472, 479–80 (2013)

OPINION

DANIELS

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

KENNETH DANIELS, : Plaintiff, :

v. : CASE NO.: 7:24-CV-142 (LAG)

MAIN HIGHWAY LOGISTICS, LLC, : et al., : Defendants. :

ORDER

Before the Court is Defendant Southwind Risk Retention Group, Inc.’s Motion for Judgment on the Pleadings. (Doc. 15). For the reasons below, Defendant Southwind’s Motion is GRANTED.

PROCEDURAL BACKGROUND

Plaintiff timely brings this renewal action pursuant to O.C.G.A. § 9-2-61.1 This action was originally filed on October 2, 2023 in the State Court of Lowndes County and removed to the United States District Court for the Middle District of Georgia, Valdosta Division on December 1, 2023. (Doc. 1 ¶ 1). On July 30, 2024, the Court entered an order granting the Parties’ Stipulation of Voluntary Dismissal. See Daniels v. Main Highway Logistics LLC, No. 7:23-CV-132 (WLS), (Docs. 11, 16) (M.D. Ga. 2024). On December 30, 2024, Plaintiff refiled the Complaint in the above-captioned matter, bringing claims against Defendants Main Highway Logistics LLC (Main Highway), Southwind Risk Retention Group, Inc. (Southwind), Jule Jones (Jones), John Does 1–3,

and ABC Corporations 1–3. (Doc. 1). 1 “When any case has been commenced in either a state or federal court within the applicable statute of limitations and the plaintiff discontinues or dismisses the same, it may be recommenced in a court of th[e same] state or in a federal court either within the original period of limitations or within six months after the discontinuance of dismissal,” whichever is later. O.C.G.A. § 9-2-61(a). On April 1, 2025, Defendant Southwind filed the Motion for Judgment on the Pleadings. (Doc. 15). Plaintiff did not file a response, and the time for doing so has passed. (See Docket). Thus, the Motion is ripe for review. See M.D. Ga. L. R. 7.2.

FACTUAL BACKGROUND

This action arises from a motor vehicle accident between Plaintiff and Defendant Jones.² (See Doc. 1). On March 3, 2023, Defendant Jones was driving a tractor-trailer southbound on Interstate 75 (I-75) when “the driver-side front tire blew out causing [Defendant Jones] to lose control and strike a guardrail.” (Id. ¶ 9). Parts of the tractor-trailer “broke off and crossed into the northbound lanes of [I-75]” striking Plaintiff’s northbound vehicle, causing Plaintiff to lose control. (Id. ¶¶ 10–12). Plaintiff’s vehicle eventually came to a rest on the right northbound shoulder of I-75. (Id. ¶ 12). Plaintiff alleges that as a result of the incident he suffered “severe and permanent injuries.” (Id. ¶ 13). Plaintiff asserts that Defendant Jones was operating the tractor-trailer on behalf of Defendant Main Highway, and that Defendant Southwind was the insurer for Defendant Main Highway at the time of the incident. (Id. ¶¶ 20, 29). Thus, Plaintiff claims that Defendant Southwind is subject to direct action under O.C.G.A. § 40-2-140 and is responsible for any judgment rendered against Defendant Main Highway. (Id. ¶¶ 27–31).

LEGAL STANDARD

Courts analyze motions for judgment on the pleadings using “the same standard as” motions to dismiss under Federal Rule of Civil Procedure 12(b)(6). *Carbone v. Cable News Network, Inc.*, 910 F.3d 1345, 1350 (11th Cir. 2018) (citation omitted). Rule 12(c) provides that “a party may move for judgment on the pleadings after the pleadings are closed but early enough not to delay trial.” *King v. Akima Glob. Servs.*, 775 F. App’x 617, 620 (11th Cir. 2019) (per curiam); *Carbone*, 910 F.3d at 1350. The court will accept all material facts in the complaint as true and “view those facts in the light most favorable to the non-moving party.” *Perez v. Wells Fargo N.A.*, 774 F.3d 1329, 1335 (11th Cir. 2014) (citation omitted). Courts may only grant a motion for judgment on the pleadings “where there are no material 2 On a motion for judgment on the pleadings, the Court accepts all facts alleged in the Complaint (Doc. 1) as true. See *Perez v. Wells Fargo N.A.*, 774 F.3d 1329, 1335 (11th Cir. 2014). facts in dispute and the moving party is entitled to judgment as a matter of law.” *Id.* (quoting *Cannon v. City of W. Palm Beach*, 250 F.3d 1299, 1301 (11th Cir. 2001)). If there is a material dispute of fact in the parties’ pleadings, the court must deny judgment on the pleadings. *Id.* (citing *Stanton v. Larsh*, 239 F.2d 104, 106 (5th Cir. 1956)). Further, under Rule 12(b)(6), “a complaint must contain sufficient factual matter” to state a plausible claim for relief. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A claim is plausible if the court, based on the factual allegations, can reasonably

infer that the defendant is liable for the alleged misconduct and expect that discovery will reveal evidence of liability. *Id.*; *Twombly*, 550 U.S. at 556. “Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Iqbal*, 556 U.S. at 678 (quoting *Twombly*, 550 U.S. at 555).

DISCUSSION

The only claim Plaintiff asserts against Defendant Southwind is a direct action claim, and Defendant Southwind—a foreign corporation—is not subject to direct action in Georgia under the Liability Risk Retention Act (LRRRA). According to the Complaint, Defendant Southwind is “a foreign corporation” authorized to do business in the State of Georgia with its principal place of business in the State of North Carolina. (Doc. 1 ¶ 4). In *Reis*, the Georgia Supreme Court held that “direct action statutes both directly and indirectly regulate the operations of insurers of motor carries in Georgia[,]” and this type of regulating “is not allowed in the case of a foreign risk retention group by the express act of Congress in the LRRRA.” *Reis v. OOIDA Risk Retention Grp., Inc.*, 814 S.E.2d 338, 343 (Ga. 2018). Further, “it has long been settled that state laws that conflict with federal law are without effect[.]” *Mutual Pharmaceutical Co., Inc. v. Bartlett*, 570 U.S. 472, 479–80

(2013) (internal quotation marks and citations omitted). Thus, Defendant Southwind is not subject to a direct action in Georgia and is entitled to judgment on the pleadings.

CONCLUSION

Accordingly, Defendant Southwind’s Motion for Judgment on the Pleadings (Doc. 15) is GRANTED. SO ORDERED, this 31st day of December, 2025. /s/ Leslie A. Gardner

LESLIE A. GARDNER, CHIEF JUDGE

UNITED STATES DISTRICT COURT