

**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

OPINION

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