

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

MICHELLE LEE HELM, individually]	
and as Guardian and next friend of]	
T.D.H., a minor child,]	
[
Plaintiffs,]	4:15-cv-01152-ACA
[
v.]	
[
RAINBOW CITY, ALABAMA, et al.,]	
[
Defendants.]	

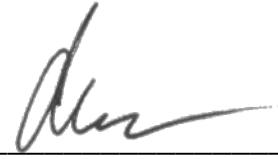
MEMORANDUM OPINION

The only claim remaining in this case is Plaintiff Tiara Helm's claim for premises liability against Defendant Center Stages of Etowah County, Inc., arising from the alleged failure to control a crowd that trampled her, leading to an alleged deprivation of her constitutional rights by the other defendants. (Doc. 26 at 56–57). After trial, the jury returned a verdict in favor of the other defendants, finding that Ms. Helm did not suffer a constitutional violation. (Doc. 206). As a result, the court ordered Ms. Helm to show cause why the court should not dismiss her claim against Center Stages of Etowah County. (Doc. 202); *see Gulf Coast Fans, Inc. v. Midwest Elecs. Importers, Inc.*, 740 F.2d 1499, 1512 (11th Cir. 1984) (“[W]hen defendants are similarly situated, but not jointly liable, judgment should not be entered against a defaulting defendant if the other defendant prevails on the merits.”). The deadline to

respond has passed without a response. Accordingly, the court **WILL DISMISS** the claim against Center Stages of Etowah County.

The court will enter a separate final judgment.

DONE and **ORDERED** this November 30, 2021.



ANNEMARIE CARNEY AXON
UNITED STATES DISTRICT JUDGE