

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

May 3, 2024

Lyle W. Cayce  
Clerk

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No. 23-10684

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KELLY A. MCNEELY; LISA G. MCNEELY,

*Plaintiffs—Appellants,*

*versus*

STATE FARM LLOYDS,

*Defendant—Appellee.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:21-CV-1120

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Before DENNIS, SOUTHWICK, and HO, *Circuit Judges.*

PER CURIAM:\*

State Farm Lloyds refused to pay Kelly A. and Lisa G. McNeely the full amount due on their claim for hail damage for two years. After the McNeelys filed suit, State Farm paid the McNeelys the actual cash value of the hail damage pursuant to their insurance policy; all amounts related to its delay in paying these insurance benefits under the Texas Prompt Payment Claim Act (“TPPCA”); and \$19,420 in attorneys’ fees owed for pursuing

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\* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

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the case. The McNeelys continued to pursue contractual claims and \$1,955 more in attorneys' fees.

The district court granted State Farm's motion for summary judgment, denied the McNeelys' breach of contract and extracontractual claims, and dismissed the McNeely's TPPCA claim for additional attorneys' fees as moot. The McNeelys appealed these decisions, and further allege that State Farm forfeited the affirmative defense of payment.

We find that the district court correctly identified and applied governing law, and that no arguments on appeal warrant further analysis than what the district court already performed, and accordingly affirm.