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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

Allstate Insurance Co.,	)	CV 08-3326-RSWL (FMOx)
	)	
	)	<b>ORDER</b>
Plaintiff,	)	
	)	
v.	)	
	)	
Richard Thacher, et al.,	)	
	)	
Defendants.	)	
_____	)	

On March 1, 2011, the Court held a status conference regarding this Action and vacated the court trial set for March 15, 2011. Counsel for both parties informed the Court that they would meet and confer to discuss how they intend to proceed with this Action. The Court is now in receipt of the Joint Status Report submitted by Plaintiff Allstate Insurance Company and Defendants Richard Thacher, Valerie Ann Thacher, and Guadalupe Trujillo [234]. Plaintiff Allstate has informed the Court that it elects to have this case

1 proceed as a trial de novo. On the other hand,  
2 Defendants have informed the Court that they would like  
3 to proceed with a court trial on the Court's  
4 determination of damages only.

5 While the Court found that the damages awarded to  
6 Defendant Trujillo in the arbitration were  
7 unconscionable in light of Defendant's actual injuries  
8 and the settlement figures proposed initially, upon  
9 further review, the Court finds that proceeding with a  
10 trial de novo could lead to a similar verdict to the  
11 one returned by the jury in the first trial.  
12 Specifically, the jury could not determine the amount  
13 of damages to award to the Defendants. Rather, the  
14 jury was limited to determining whether the arbitration  
15 award was unreasonable or the product of fraud or  
16 collusion. The jury in a new trial will be limited to  
17 resolving this same issue, which could potentially lead  
18 to a similar verdict to the one returned by the jury in  
19 the first trial.

20 As such, in the interests of judicial economy, the  
21 Court informs the parties that it is now contemplating  
22 vacating its November 23, 2009 Order [196] granting  
23 Plaintiff's Motion for a New Trial on the sole issue of  
24 damages as well as the Motion to Alter or Amend the  
25 Judgment. The Court would instead reinstate the  
26 September 18, 2009 Judgment [173], and that Judgment  
27 would then serve as a final judgment that may be  
28 reviewed upon appeal.

