

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

FRANK SAGER

§

V.

§

§ CIVIL ACTION NO. G-11-140

§

ALLSTATE INSURANCE COMPANY

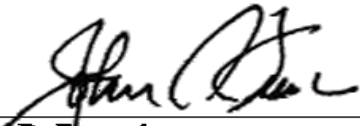
§

OPINION AND ORDER

It is well-settled and beyond peradventure that Plaintiff is not entitled to a jury trial under either the Seventh Amendment, Lehman v. Nakshian, 453 U.S. 156, 160 (1981), or the National Flood Insurance Act, Sandia Oil Co., Inc. v. Beckton, Director FEMA, 889 F.2d 258, 262 (10th Cir. 1989), in a claims handling dispute against a WYO carrier with the National Flood Insurance Program acting in its capacity as a fiscal agent of the United States and the equivalent of FEMA itself, Van Holt v. Liberty Mutual Ins. Co., 163 F.3d 161, 166 (3^d Cir. 1998).

It is, therefore, **ORDERED** that Plaintiff's jury demand, insofar as it seeks a jury trial against Defendant, Allstate Insurance Company, is **VACATED**.

DONE at Galveston, Texas, this ____ 31st _____ day of May, 2012.



John R. Froeschner
United States Magistrate Judge