

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

CAMERON MUTUAL INSURANCE CO.

PLAINTIFF/
COUNTER DEFENDANT

v.

No. 3:12-cv-238-DPM

ROY LEWELLEN and
DORIS LEWELLEN

DEFENDANTS/
COUNTER CLAIMANTS

ORDER

Cameron Mutual has moved to dismiss the Lewellens' counterclaim for bad faith and counterclaims under the Arkansas Deceptive Trade Practices Act and the Arkansas Trade Practices Act. *Document No. 7*. The Lewellens concede that the ADTPA and ATPA claims must go. *Document No. 9*. But they argue, and the Court agrees, that their pleading gives enough notice of their counterclaim for bad faith. It is thin but plausible. The Court notes, however, that the Lewellens have a high hill to climb. *McClellan v. State Farm Mutual Automobile Insurance Co.*, No. 3:10-cv-84-DPM, 2011 WL 4737046, at *2-3 (E.D. Ark. 7 Oct. 2011). We'll see what discovery reveals.

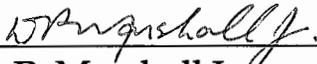
The Lewellens have moved for a change of venue. *Document No. 11*.

Cameron Mutual says that it's too soon to make a fact-based decision about

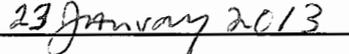
the better divisional venue. *Document No. 13*. This is a stall. The Lee County-centered nature of this dispute, and the location of most of the likely witnesses, is obvious. Cameron Mutual's choice of the Jonesboro division carries much weight. But the convenience of likely witnesses, and the roots of the case, outweigh that choice. If the case looks different when any trial is imminent, then the Court will reconsider on motion at Cameron Mutual's request.

Motion, *Document No. 7*, granted in part and denied in part. Motion, *Document No. 11*, granted. The Court thanks Cameron Mutual and the Lewellens for recognizing that, as Judge Richard S. Arnold used to say, brief is an adjective as well as a noun.

So Ordered.



D.P. Marshall Jr.
United States District Judge



23 January 2013