

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

**CHRISTIE MCHONE and
ORANDE ANDERSON**

PLAINTIFFS

V.

3:12CV0008 JMM

DIAMOND S EXPRESS, INC., et al

DEFENDANTS

**STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY**

**COUNTER
CLAIMANT**

V.

CHRISTIE MCHONE

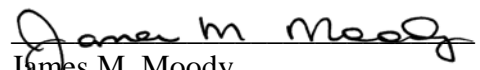
**COUNTER
DEFENDANT**

ORDER

Pending is the Motion to Dismiss of State Farm Mutual Automobile Insurance Company (“State Farm”). Plaintiffs have responded and have filed an Amended Complaint in response to the Motion. The Court finds that the Motion to Dismiss should be denied. Plaintiffs’ Amended Complaint adding State Farm as a defendant contains “sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, — U.S. —, 129 S.Ct. 1937, 1949, 173 L.Ed.2d 868 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570, 127 S.Ct. 1955, 167 L.Ed.2d 929 (2007)).

State Farm’s Motion to Dismiss (Docket # 36) is DENIED.

IT IS SO ORDERED this 22nd day of May, 2013.


James M. Moody
United States District Judge