

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

**MICHAEL KENNEDY, et al.**

**PLAINTIFFS**

**v.**

**4:11-CV-00897-BRW**

**ALLSTATE PROPERTY AND CASUALTY  
INSURANCE COMPANY**

**DEFENDANT**

**ORDER**

Pending is the parties' Joint Motion to Dismiss Plaintiff's Claim for Bad Faith (Doc. No. 12). Plaintiffs' original Complaint included a claim for bad faith and punitive damages. Plaintiffs have now recognized that there are not facts to support that claim, and ask that their claim for bad faith and punitive damages be dismissed without prejudice. Defendant joins in the request. The Motion is GRANTED. Plaintiffs' claim for bad faith and punitive damages is dismissed without prejudice; Plaintiffs' claims for breach of contract, 12 % penalty, pre- and post-judgment interest, and attorney's fees remain.

IT IS SO ORDERED this 3<sup>rd</sup> day of August, 2012.

/s/Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE