

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

CAROLYN COOPER

PLAINTIFF

v.

No. 4:22-cv-745-DPM

ALLSTATE INSURANCE COMPANY

DEFENDANT

ORDER

Cooper made two claims on her homeowner's policy. She believes Allstate didn't investigate sufficiently one of her claims – damage sustained when heavy machinery used to resurface a road caused her whole house to vibrate. Not investigating a claim adequately, though, isn't the kind of dishonest, malicious, or oppressive conduct that equals bad faith under Arkansas law. *Reynolds v. Shelter Mutual Insurance Co.*, 313 Ark. 145, 148, 852 S.W.2d 799, 801 (1993). Cooper also believes Allstate didn't do right on a hail damage claim. She had three inspections done, each of which estimated more than \$8,500 of damage to her roof. Allstate offered her \$307.11. But offers to compromise, even low-ball offers, likewise aren't a sufficient showing of bad faith. *Aetna Casualty and Surety Co. v. Broadway Arms Corp.*, 281 Ark. 128, 133, 664 S.W.2d 463, 465 (1984). Motion, Doc. 4, granted. Count II of her complaint (bad faith) is dismissed without prejudice; count I (breach of contract) goes forward.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

19 January 2023