

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

DANIEL PRICE, Individually, and On Behalf
of All Others Similarly Situated

PLAINTIFFS

V.

NO. 10-2152

UNITED SERVICES AUTOMOBILE
ASSOCIATION, USAA CASUALTY
INSURANCE COMPANY, USAA GENERAL
INDEMNITY COMPANY, and USAA

DEFENDANTS

ORDER

On this same date, the Court conducted a telephonic hearing, asking counsel for the parties to address a question raised by the undersigned regarding subject matter jurisdiction in this case - that is, whether the 12% statutory penalty and attorneys' fees provided for in Ark.Code Ann. § 23-79-208 are properly included in computing the amount in controversy under the facts alleged in this case. The Court agreed to allow the parties to address the issues in briefs.

In accordance with the Court's direction given during the telephonic hearing, the Defendants shall have until November 8, 2011 to file a brief addressing these issues, and Plaintiff shall have until November 22, 2011 to file his brief. In the event Defendants wish to file a reply brief, they should file a motion requesting such within five days of the filing of Plaintiff's brief.

IT IS SO ORDERED this 25th day of October, 2011.

/s/ Erin L. Setser

HON. ERIN L. SETSER
UNITED STATES MAGISTRATE JUDGE