

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

BRENT MOORE

PLAINTIFF

V.

CIVIL NO. 13-2092

SHELTER MUTUAL INSURANCE COMPANY

DEFENDANT

ORDER

Currently before the Court are Defendant's Motion for Partial Summary Judgment and supporting documents (docs. 38-40), Plaintiff's Partial Response (doc. 52) and Statement of Disputed Facts (doc. 53), and Defendant's Reply (doc. 62).

Having reviewed the pleadings and the evidence on file; viewing the evidence in the light most favorable to the non-moving party as required, the Court finds the Motion (doc. 38) should be DENIED as there remain genuine issues of disputed material facts in connection with Plaintiff's bad faith and deceptive trade practices claims, including, but not limited to whether Plaintiff's allegations regarding Defendant's actions constitute affirmative misconduct and bad faith and/or unfair claims settlement practices.

The Motion (doc. 38) is further DENIED as it is premature for the Court to fully consider the issues set forth as discovery remained ongoing in this case until February 28, 2014; a mere ten days before the beginning of the jury trial scheduled for March 10,

2014. The Court notes that the delay in completing discovery in this case was due, in part, to the necessity of Plaintiff filing a motion to compel discovery from Defendant that was granted, in part.

This matter is hereby scheduled for a pretrial conference on March 10, 2014, at 10:00 a.m. followed by a jury trial beginning at 1:00 p.m.

IT IS SO ORDERED this 4th day of March 2014.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge