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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JACOB WINDING,

Plaintiff,

No. CIV-S-09-3526-KJM-KJN-PS

v.

ALLSTATE INSURANCE COMPANY,  
et al.,

Defendants.

\_\_\_\_\_  
AND RELATED COUNTER-CLAIM

ORDER

\_\_\_\_\_  
On November 1, 2011, the magistrate judge filed findings and recommendations (ECF No. 105), which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. On November 15, 2011, plaintiff filed objections to the findings and recommendations (ECF No. 109), and on December 2, 2011, defendant Allstate filed a response to plaintiff's objections (ECF No. 110), all of which have been considered by the court.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. Having carefully reviewed the file,

1 the court finds the findings and recommendations to be supported by the record and by the  
2 proper analysis.

3 Accordingly, IT IS ORDERED that:

4 1. The Findings and Recommendations filed November 1, 2011, are ADOPTED,  
5 with the exception of pages 17, line 15 through 20, line 13, as this court need not reach the issues  
6 covered by those pages for the reasons set forth in the Findings and Recommendations  
7 themselves.

8 2. Defendant Allstate Insurance Company's Alternative Motion for Partial  
9 Summary Judgment/Summary Adjudication addressed to plaintiff's claims against it (ECF  
10 No. 60) is granted in part and denied in part. Specifically, it is ordered that defendant Allstate  
11 Insurance Company is granted summary judgment as to plaintiff's claim for insurance bad faith  
12 and the corresponding request for punitive damages, but that the motion for summary judgment  
13 is denied in all other respects.

14 3. Defendant Allstate Insurance Company's Motion for Summary Judgment  
15 addressed to its counter-claim (ECF No. 59) is denied.

16 DATED: March 7, 2012.

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19 UNITED STATES DISTRICT JUDGE  
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