

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 08-cv-01265-RPM

LUIS IRENE and GRETCHEN IRENE

Plaintiffs,

v.

ALLSTATE PROPERTY AND CASUALTY
INSURANCE COMPANY and ALLSTATE
INSURANCE COMPANY

Defendants.

ORDER ON DEFENDANT ALLSTATE INSURANCE COMPANY'S
MOTION FOR DETERMINATION OF LAW

Defendant, Allstate Insurance Company, moved for a determination of law that the plaintiffs' claim under C.R.S. § 10-3-1114 *et seq.* is not viable because the loss to be adjusted is the April 27, 2007 fire loss, and the effective date of the statute was August 6, 2008. It is agreed that the statute does not apply retroactively.

The plaintiffs' claim that the insurance company's conduct after that date in determining the amount of damage due to fire and that resulting from contamination, excluded from coverage, was unreasonable. The statutory remedy is available if that determination is made by the jury.

SO ORDERED.

Dated: September 21, 2011

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge