

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DONNA LYON,)	
)	
Plaintiff,)	
)	
v.)	No. 08 C 7319
)	
AMERICAN FAMILY MUTUAL)	
INSURANCE COMPANY,)	
)	
Defendant.)	

SUPPLEMENT TO MEMORANDUM OPINION AND ORDER

This Court's July 22, 2009 memorandum opinion and order ("Opinion II") explained the reasons for having reversed its field by concluding, contrary to its May 27, 2009 memorandum opinion and order ("Opinion I"), that American Family¹ had gone well beyond the "reasonable time" within which it was required to invoke the Appraisal Clause of the Policy. Although the matter dealt with in this supplement looks at a time period that falls within (and thus does not lengthen) American Family's total period of delay, the subject is one that had troubled this Court from the outset (see n.3 to Opinion I).

This Court's follow-up inquiries as to the puzzling disparity in dates discussed in Opinion I's n.3 has finally, after the intervening receipt of some nonresponsive information, produced the unsurprising answer that American Family actually

¹ As this Court did in Opinion II, this opinion will assume familiarity with both Opinion I and Opinion II and will therefore continue to employ the same defined terms without having to repeat the definitions.

received the Complaint and Summons in this action on January 5, 2009 and not February 18, 2009, which was the date on which American Family's submissions had claimed it was first put on notice of this lawsuit. Why, then, did American Family profess a lack of knowledge as to when it learned of this lawsuit? That is indeed troubling.

As stated at the outset, this supplement does not alter the conclusion ultimately reached by this Court in Opinion II. Instead, if anything, it further fortifies that conclusion.



Milton I. Shadur
Senior United States District Judge

Date: August 3, 2009