

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

ELAINE ABRAHAMSON and)	
BRUCE ABRAHAMSON,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL NO. 2:08cv296
)	
STATE FARM FIRE AND CASUALTY)	
COMPANY and JENNIFER KOPPEN,)	
)	
Defendants.)	

OPINION AND ORDER

On December 5, 2008, this court entered an order staying all proceedings in this case pending resolution of a related action in the Illinois state court system. On January 21, 2009, one of the defendants, State Farm Fire and Casualty Company (“State Farm”), filed a “Report on Status of Illinois State Court Action”. According to State Farm, on January 13, 2009, the judge presiding over the Illinois state court action granted State Farm’s motion for summary judgment. A review of the Illinois state court Order reveals that the court held that the State Farm insurance policy was inapplicable because the statutory damages sought were not caused by bodily injury, property damage, or personal injury, as defined in the policy. Moreover, the damages were not caused by an “occurrence” as defined in the policy.

In the present case, the Abrahamsons have sued State Farm and Jennifer Koppen for violations of RICO and the Illinois Consumer Fraud Act and Deceptive Business Practices Act, which claims allegedly arise from State Farm’s decision to not defend the Abrahamsons in a lawsuit brought against them by a former tenant, defendant Jennifer Koppen. State Farm has filed a motion to dismiss for failure to state a claim, and also a motion to dismiss for improper

venue or, in the alternative, to transfer venue to the Northern District of Illinois.

The court will now lift the stay so that these motions can be briefed out and ruled upon.

Conclusion

On the basis of the foregoing, the stay in this case is hereby LIFTED. The Abrahamsons are to respond to the pending motions to dismiss within 30 days from the date of this order, to which State Farm may file a reply within 15 days thereafter.

Entered: January 30, 2009.

s/ William C. Lee
William C. Lee, Judge
United States District Court