

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

PAUL A. JACKSON,)
)
Plaintiff,)
)
vs.) 4:09-cv-120-SEB-WGH
)
)
ALLSTATE INSURANCE COMPANY,)
)
Defendant.)

SHOW CAUSE ORDER

Having reviewed Defendant's Motion to Dismiss [Docket No. 70] and the response of Plaintiff, and being duly advised, the Court enters the following orders for expedited response(s):

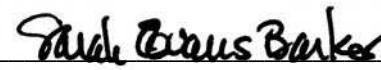
- (1) Plaintiff is hereby ORDERED to show cause why summary judgment should not enter on Count I, specifically, on the issue of causation, pursuant to the holdings in Wallace v. McGlothan, 606 F.3d 410 (7th Cir. 2010) and Daub v. Daub, 629 N.E.2d 873 (Ind. Ct. App. 1994), given that Plaintiff is claiming that his injuries resulting from the subject automobile accident were separate from and unrelated to any preexisting medical condition, while conceding that he lacks any expert testimony to that effect (or the testimony of any other witness) who is prepared and qualified to inform the jury as to this complicated medical issue which is clearly a matter beyond the understanding of laypersons.

(2) In responding to this order, Plaintiff is directed to reference the specific evidence (including specifically identified witness(es) and the anticipated actual testimony) he intends to adduce at trial to prove causation.

(3) Plaintiff's response must be filed with the Court at or before noon, Friday, May 20, 2011. Based on the information provided, the Court will determine whether to proceed with summoning a jury on Monday, May 23, 2011, and commence trial, or to enter summary judgment in Defendant's favor based on Plaintiff's inability to prove an essential element of his claim.

IT IS SO ORDERED.

Date: 05/18/2011



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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