

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

SUSAN R. LODMELL,

Plaintiff,

vs.

**HARI KRISHAN, 3398722 CANADA
INC. d/b/a JB TRANSPORT, and
AMCO INSURANCE COMPANY,**

Defendants.

No. C15-0033

**ORDER GRANTING MOTION TO
SEVER**

On the 13th day of May 2016, this matter came on for telephonic hearing on the Motion to Sever (docket number 30) filed by Defendant Amco Insurance Company on May 4, 2016. Plaintiff Susan Lodmell was represented by her attorney, John Bush. Defendants Hari Krishan and 3398722 Canada Inc., d/b/a JB Transport, were represented by their attorney, Bruce Walker. Defendant Amco was represented by its attorney, Gary D. Goudelock, Jr.

On April 14, 2015, Lodmell filed a complaint seeking damages from Krishan and JB Transport for injuries allegedly sustained in a motor vehicle accident on July 14, 2013. Lodmell also sued AMCO, her underinsurance carrier, claiming that she “sustained damages in excess of the liability insurance limits” of Krishan and JB Transport. AMCO asks in the instant motion that Lodmell's claim against it be severed and tried after the trial of Lodmell's claims against Krishan and JB Transport. Plaintiff has no objection.

Both Lodmell and AMCO advised the Court at the instant hearing that they agreed to be bound by the factual determinations of the jury in the trial of Lodmell's claims against Krishan and JB Transport. That is, the parties agree that the amount of damages

found by the jury in the first trial will be binding on Lodmell and AMCO in their dispute. The parties also agree that the discovery conducted in this case will apply to all claims.

ORDER

IT IS THEREFORE ORDERED that the Motion to Sever (docket number 30) is **GRANTED**. Lodmell's claims against Krishan and JB Transport will proceed to trial as previously scheduled on **December 5, 2016**. *See* docket number 25. Lodmell's claims against AMCO will be set for trial after that time, if necessary.

DATED this 13th day of May, 2016.



JON STUART SCOLES
CHIEF MAGISTRATE JUDGE
NORTHERN DISTRICT OF IOWA