

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
ASHLAND**

CASE NO. 21-57-HRW

**BRIAN POPE,
CHRISTOPER POPE,
SHELBY “TAYLOR” POPE,
and
VONNIE POPE *as Next Friend of*
CARLY POPE, *a Minor,***

PLAINTIFFS,

v.

MEMORANDUM OPINION AND ORDER

**THE GLOCKNER FORD COMPANY,
ALEXANDER SCHUMAKH,
JAMES R. FREELS,
THE STANDARD FIRE INSURANCE COMPANY,
GEICO ADVANTAGE INSURANCE COMPANY
and
ZURICH AMERICAN INSURANCE COMPANY,**

DEFENDANTS.

This matter is before the Court upon Defendant GEICO Advantage Insurance Company’s Motion for Judgment on the Pleadings [Docket No. 28] and Defendant Zurich American Insurance Company’s Motion for Judgment on the Pleadings [Docket No. 29]. Both Defendants seek dismissal of Plaintiffs’ claims against them for Unfair Claims Settlement Practices Act, “bad faith,” punitive damages, and attorney’s fees.

By Order entered on November 30, 2021, the undersigned sustained the Plaintiff’s second motion for an extension of time in which to respond to the pending motions and directed Plaintiffs to file their response no later than January 15, 2022. To date, no response has been filed.

Accordingly, **IT IS HEREBY ORDERED:**

- 1) Defendant GEICO Advantage Insurance Company's Motion for Judgment on the Pleadings [Docket No. 28] be **SUSTAINED**;
- 2) Defendant Zurich American Insurance Company's Motion for Judgment on the Pleadings [Docket No. 29] be **SUSTAINED**; and
- 3) Plaintiffs' Complaint against GEICO Advantage Insurance Company and Zurich American Insurance Company be **DISMISSED WITH PREJUDICE**.

This in an interlocutory and non-appealable Order.

This 18th day of January 2022.



Signed By:

Henry R Wilhoit Jr. *HRW*

United States District Judge