

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION at LEXINGTON

CHRISTOPHER S. MOORE,)	
)	
Plaintiff,)	Civil Action No. 5:11-11-JMH
)	
v.)	
)	
RICHARD A. HUGHES, et al.,)	MEMORANDUM OPINION AND ORDER
)	
Defendants.)	

** ** ** ** **

This matter is before the Court upon State Farm Mutual Automobile Insurance Company's (hereinafter, "State Farm") Motion to Intervene [DE 14], pursuant to Fed. R. Civ. P. 24, and to permit its Intervening Complaint to be filed, naming Hartford Fire Insurance Company (hereinafter, "Hartford") as an intervening defendant, pursuant to Fed. R. Civ. P. 19, in the above referenced matter. No objections have been filed, and this motion is ripe for decision.

State Farm explains that its cause of action arises out of the same set of facts which gave rise to the Complaint filed by Plaintiff Moore - a motor vehicle collision that occurred on December 6, 2008, between vehicles driven by Plaintiff and Defendant Hughes. Moore was insured under a policy of automobile insurance by State Farm, and State Farm was required to pay basic reparation benefits to or on behalf of Moore and his passenger for injuries received in that accident under the Kentucky Motor Vehicle Reparations Act, KRS 304.39-010. State Farm avers that it is entitled to recover the

monies it has expended from Hartford, the basic reparations obligor, i.e., the insurance carrier, of Defendants, pursuant to KRS 304.39-070(3).

Fed. R. Civ. P. 24(a)(1)(B) provides that this Court may, "upon timely motion . . . permit anyone to intervene who . . . has a claim or defense that shares with the main action a common question of law or fact." Further, KRS § 304.39-070(3)(I) explains that a party, such as State Farm, shall assert its claim under that section "by joining as a party in an action that may be commenced by the person suffering the injury." Having considered the matter, this Court shall allow State Farm to Intervene, as its claim shares common questions of law and fact with the main action.

Accordingly, **IT IS ORDERED:**

(1) that State Farm Mutual Automobile Insurance Company's Motion to Intervene [DE 14] is **GRANTED**;

(2) that Intervenor-Plaintiff State Farm Mutual Automobile Insurance Company is permitted to intervene in this action;

(3) that Hartford Fire Insurance Company is **JOINED** as an Intervening-Defendant in this action;

(4) that the Clerk shall **FILE** the tendered Intervening Complaint in the record of this matter.

This the 24th day of March, 2011.



Signed By:

Joseph M. Hood *JMH*

Senior U.S. District Judge