

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

STEVE REINE AND JULIE REINE

CIVIL ACTION

VERSUS

NO. 13-5641

STATE FARM INSURANCE CO. ET AL.

SECTION "C" (4)

ORDER AND REASONS

Before this Court is the National Flood Insurance Program's ("NFIP's") motion to partially dismiss. Rec. Doc. 16. Plaintiffs do not oppose.

In its motion, NFIP argues that plaintiffs' claims of negligent and bad faith adjustment of Hurricane Isaac-related flood insurance claims and their claims of intentional infliction of emotional distress should be dismissed because the United States has not waived sovereign immunity for them. NFIP further argues that Plaintiff's demands for a jury trial. Finally, NFIP argues that plaintiffs' demand for loss of use of property, living expenses, loss of enjoyment of property, diminution of property value, damage to and loss of contents, mental anguish, attorney's fees, cost of litigation, interest, and all other general and equitable relief should be dismissed on the grounds that neither the statute nor the policy allow for such damages. The Court agrees with

each of these arguments to the degree necessary to resolve this motion. *See Wright v. Allstate Ins. Co.*, 500 F.3d 390, 397-98 (5th Cir. 2007) (federal common law claims preempted); *Wright V. Allstate Ins. Co.*, 415 F.3d 384, 390 (5th Cir. 2005) (state law extra-contractual claims preempted); *In re Estate of Lee*, 812 F.2d 253, 255 (prejudgment interest unrecoverable); *West v. Harris*, 573 F.2d 873, 880-81 (5th Cir. 1978) (attorney fee and prejudgment interest based on state causes of action unrecoverable).

Accordingly,

IT IS ORDERED that NFIP's motion to partially dismiss is GRANTED. Rec. Doc.

16.

New Orleans, Louisiana, this 27th day of May, 2014.


HELEN G. BERRIGAN
UNITED STATES DISTRICT JUDGE