

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

GILBERT AND APRIL DIAZ LUKE

CIVIL ACTION

VERSUS

NO. 13-5674

ALLSTATE INSURANCE COMPANY

SECTION "N" (1)

ORDER AND REASONS

Presently before the Court is a motion for summary judgment (Rec. Doc. 19) filed by Defendant Allstate Insurance Company. With its motion, Defendant seeks dismissal of Plaintiffs' claims because of Plaintiffs' alleged failure to submit a sworn proof of loss as required by Article VII(J)(4) of the Allstate Standard Flood Insurance Policy ("SFIP").¹ Having carefully considered the parties' submissions and applicable law, the Court finds Defendant's motion meritorious for essentially the reasons set forth in this Court's recent Order and Reasons in *Bechtel v. Lighthouse Property Insurance Company*, Civil Action No. 13-5289, 2014 WL 1389631 (E.D. La. April 1, 2014) (Engelhardt, J.). As stated therein, "[w]hile the Court acknowledges that the strictness of the SFIP requirements can produce harsh, even 'draconian' results . . . , mitigating such stringency is outside the power of this Court." *Bechtel*, 2014 WL 1389631, *3 (quoting *Verret v. La. Farm Bureau Mut'l Insurance Company*, Civil Action No. 09-2710, 2010 WL 3883369, *4 (W.D. La. Nov. 9, 2010) (Minaldi, J.)). Accordingly, **IT IS ORDERED** that Defendant's motion for summary judgment (Rec. Doc. 19) is **GRANTED**, and Plaintiffs' claims against Defendant are **DISMISSED**.

New Orleans, Louisiana, this 5th day of June 2014.


KURT D. ENGELHARDT
United States District Judge

¹ Defendant Allstate issued a flood insurance policy to Plaintiffs in its capacity as a Write-Your-Own Program insurance carrier participating in the federal government's National Flood Insurance Program pursuant to the National Flood Insurance Act of 1968, 42 U.S.C. § 4001, *et seq.*