

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

EDWARD R. STOCKSTILL, SR., ET AL.

CIVIL ACTION

VERSUS

NO. 19-3520-WBV-JVM

**MINNESOTA LIFE INSURANCE
COMPANY, ET AL.**

SECTION: D (1)

ORDER AND REASONS

Local Rule 7.5 of the Eastern District of Louisiana requires that memoranda in opposition to a motion be filed eight days prior to the noticed submission date. No memoranda in opposition to Regions Bank's Motion to Dismiss,¹ noticed for submission on August 13, 2019, has been submitted.

Although the Motion is unopposed, the Court also finds that it has merit. In the Complaint, Plaintiffs allege only two causes of action – a bad faith claim against Minnesota Life Insurance Company for denying benefits and a loss of consortium claim.² Plaintiff Theresa Stockstill's claim for loss of consortium is derivative of Edward R. Stockstill, Sr.'s bad faith claim and cannot be maintained independently of his claim.³ Although Plaintiffs allege, generally, that Regions Bank "caused to be sold the policy of accidental death and dismemberment to the plaintiff, Edward R. Stockstill, Sr., through . . . numerous representations that the policy would cover

¹ R. Doc. 27.

² R. Doc. 1 at ¶¶ XII & XIII.

³ *Applewhite v. Department of Veterans Affairs*, Case No. 08-61105, 2010 WL 445484, at *3 (5th Cir. Feb. 3, 2010).

perils such as the one in the instant case and . . . committed bad faith by not honoring any and all insurance policies and/or contracts,”⁴ Plaintiffs fail to allege any facts in support of this purported claim against Regions Bank that would entitle them to relief.⁵

Accordingly, because the Motion is unopposed, and further, it appearing to the Court that the Motion has merit, **IT IS HEREBY ORDERED** that Regions Bank’s Motion to Dismiss⁶ is **GRANTED** and Plaintiffs’ claims against Regions Bank are **DISMISSED WITH PREJUDICE**.

New Orleans, Louisiana, September 20, 2019.


WENDY B. VITTER
United States District Judge

⁴ R. Doc. 1 at ¶ XI.

⁵ *Securities and Exchange Commission v. Blackburn*, 156 F. Supp. 3d 778, 787 (E.D. La. 2015) (quoting *Taylor v. Books A Million, Inc.*, 296 F.3d 376, 378 (5th Cir. 2002)) (quotation marks omitted).

⁶ R. Doc. 27.