

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

DAWN TREIGLE

CIVIL ACTION

VERSUS

NO. 22-581

STATE FARM FIRE AND
CASUALTY INSURANCE COMPANY

SECTION: "J"(1)

ORDER AND REASONS

Before the Court is Defendant State Farm Fire and Casualty Insurance Company's ("State Farm") *12(c) Motion for Judgment on the Pleadings as to Plaintiff's Declaratory Judgment Claim (Rec. Doc. 36)*. Plaintiff filed a response, in which she concedes that there is no legal basis to oppose the granting of defendant's motion. (Rec. Doc. 40, at 2).

This lawsuit arose from damage to Plaintiff's property as a result of Hurricane Ida, and Plaintiff alleges that State Farm failed to timely pay the loss amount. Plaintiff brings a breach of contract claim, a breach of duty of good faith and fair dealing claim, and a claim for a Declaratory Judgment declaring that State Farm has an obligation to comply with statutory deadlines to pay.


In the instant motion for judgment on the pleadings, State Farm notes that courts uniformly dismiss declaratory judgment claims under Rule 12(b)(6) if they are redundant of the substantive claims for breach of contract and breach of the duty of good faith and fair dealing. (Rec. Doc. 36-1, at 3) (citing *Omkar, LLC v. AmGUARD Ins. Co.*, 2022 WL 3924291, at *2 (E.D. La. Aug. 31, 2022); *JMC-Tran Properties v. Westchester Surplus Lines Ins. Co.*, 2023 WL 2527168 (E.D. La. Mar. 15, 2023);

McMillian v. Safepoint Ins. Co., 2022 WL 17830465 (E.D. La. Dec. 21, 2022); *Zahid Hotel Grp., L.L.C. v. AmGUARD Ins. Co.*, 2022 WL 16739758 (E.D. La. Nov. 7, 2022)).

In those cases, the courts reasoned that the declaratory relief claims were redundant because those claims sought resolution of issues that will necessarily be resolved as part of a non-declaratory claim. *See Omkar*, 2022 WL 3924291, at *4; *see also Perry v. H.J. Heinz Co. Brands, LLC*, No. CV 19-280, 2019 WL 2423231, at *4 (E.D. La. June 10, 2019) (“To determine whether a declaratory judgment claim is redundant, the Court considers whether resolving other claims would render a declaratory judgment superfluous”) (citing *Robinson v. Hunt County, Texas*, 921 F.3d 440, 450-51 (5th Cir. 2019)). Finding Plaintiff’s claims for declaratory judgment to be similarly redundant to her substantive claims,

IT IS HEREBY ORDERED that the motion is **GRANTED**. Plaintiff’s Declaratory Judgment claim is **DISMISSED without prejudice**, reserving Plaintiff’s right to proceed against State Farm for the remaining causes of action set forth in her Complaint.

New Orleans, Louisiana, this 16th day of May, 2023.



CARL J. BARBIER
UNITED STATES DISTRICT JUDGE