

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

FILED  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

JAMES H. MOORE, JR. AND  
KENNETH E. CARROLL

CIVIL ACTION NO. 06

VERSUS

NO. 05-374

THE STATE OF LOUISIANA, THROUGH  
THE LOUISIANA INSURANCE RATING  
COMMISSION ("LIRC"), AND THE  
DEPARTMENT OF INSURANCE, THE  
STATE OF LOUISIANA THROUGH  
ATTORNEY GENERAL, CHARLES C.  
FOTI, JR., STATE FARM FIRE &  
CASUALTY COMPANY AND STATE  
FARM GENERAL INSURANCE  
COMPANY (COLLECTIVELY "STATE  
FARM")

**ORDER**

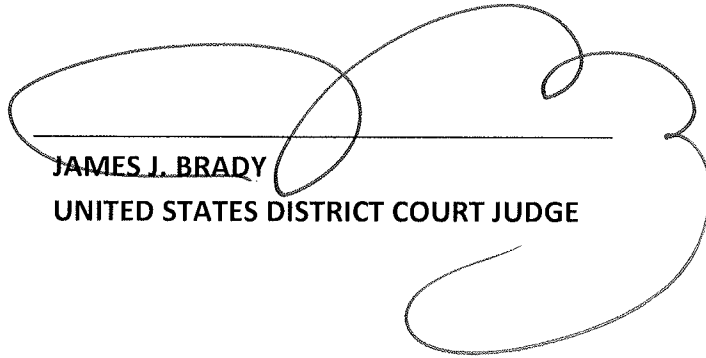
Considering Defendants' Motion to Make Preliminary Injunction Permanent  
(Doc. 159);

This Court finds that there are no new factual or legal issues relative to the issuance of a permanent injunction. The reasons set forth by this Court when it issued its preliminary injunction (which have been affirmed by the Fifth Circuit) support the issuance of a permanent injunction. In essence, the injunctive relief requested by Defendants would prevent Plaintiffs from relitigating the issue raised in the underlying state court proceedings pending against the State of Louisiana through its Commissioner of Insurance and through the former entity, the Louisiana Insurance Rating Commission, in the 19<sup>th</sup> Judicial District Court, in Civil Action Nos. 532-217 and 534-609.

The Court has previously held that all four elements required for the relitigation exception of the Anti-Injunction Act are met: (1) the parties in the later action are identical to, or at least in privity with, the parties in the prior action; (2) the judgment in the prior action was rendered by this Court, a court of competent jurisdiction pursuant to 28 U.S.C. §1453; (3) the prior action was concluded with a final judgment on the merits of this case; and (4) the same cause of action is involved in all suits, namely State Farm's conversion of its HO-1, HO-3, and HO-5 homeowners policies to its HO-W policy. In addition, the general principles of equity have been satisfied so as to support the issuance of a permanent injunction.

Accordingly, IT IS HEREBY ORDERED that the Motion to Make Preliminary Injunction Permanent (Doc. 159) is GRANTED, and more particularly that the Plaintiffs, James Moore and any heirs or successors in interest of the deceased Plaintiff Kenneth Carroll, Plaintiffs' Counsel, and any member of the putative class they claim to represent, if such member of the putative class is acting at the instance of, or at the direction of, Plaintiffs or their attorneys, be and they are hereby permanently enjoined from proceeding any further in Louisiana state court proceedings captioned *James H. Moore, et al. v. The State of Louisiana, Through the Louisiana Insurance Rating Commission ("LIRC"), et al.*, No. 532-217; and *James H. Moore, et al. v. The State of Louisiana, Through the Louisiana Insurance Rating Commission ("LIRC"), et al.*, No. 534-609.

Signed in Baton Rouge, Louisiana, on April 22, 2009.



**JAMES J. BRADY**  
**UNITED STATES DISTRICT COURT JUDGE**