

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

GUY DENICOLA, ET AL.

CIVIL ACTION

VERSUS

LIBERTY MUTUAL INSURANCE
COMPANY

NO. 17-01437-BAJ-EWD

RULING AND ORDER

On November 2, 2021, the Court issued an Order requiring the parties to jointly submit proof of Defendant's written denial rejecting coverage of Plaintiffs' claims under Plaintiffs' Standard Flood Insurance Policy ("SFIP"), or face dismissal based on the Court's analysis set forth in the July 22, 2021 dismissal order entered in *Burkhalter, et al. v. Hartford Underwriters Insurance Company, et al.*, No. 17-cv-01086-BAJ-SDJ, 2021 WL 3121209 (M.D. La. July 22, 2021). (Doc. 22). Defendant has now responded to the Court's November 2 Order, candidly admitting that "there is no written denial of the Plaintiffs' supplemental POL," and that "[s]hould the Court follow its prior ruling of *Burkhalter*, the Court may dismiss this matter." (Doc. 23 at 3). Plaintiffs failed to submit any response to the Court's November 2 Order.

Having established (once again) that Plaintiffs failed to obtain a written denial of their claims prior to filing suit, and for the reasons set forth in the July 22, 2021 dismissal order entered in *Burkhalter, et al. v. Hartford Underwriters Insurance Company, et al.*, No. 17-cv-01086-BAJ-SDJ, 2021 WL 3121209 (M.D. La. July 22, 2021),

IT IS ORDERED that the above-captioned action be and is hereby

DISMISSED for lack of subject matter jurisdiction.

Judgment shall be issued separately.

Baton Rouge, Louisiana, this 18th day of November, 2021



**JUDGE BRIAN A. JACKSON
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**