

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

HEATH M. CHAPMAN,)
)
 PLAINTIFF)
)
 v.)
)
 THE STANDARD FIRE)
 INSURANCE COMPANY,)
)
 DEFENDANT)

CIVIL No. 1:11-cv-459-DBH

REPORT OF PRE-FILING CONFERENCE UNDER LOCAL RULE 56

Both parties believe that it would be useful to resolve the statute of limitations issue before they expend resources on the underlying merits of this 3-count insurance claim (breach of contract; unfair claims settlement practices; interest on overdue payments). They expect to be able to stipulate all the material facts for that purpose. There appear to be three primary legal issues:

1. Whether incarceration time tolls the statute or the policy time limits. They hope that public records will reveal what that amount of time is, and then the plaintiff can also determine whether the amount of time is material;

2. Whether the notice of denial was specific enough to trigger the statute of limitations; and

3. Whether there is a longer statute of limitations for the two statutory claims for unfair claims settlement practices and interest on overdue payments.

By April 30, 2012, the parties shall file their stipulation. Probably it will be composed of:

- a. The policy;
- b. The date of loss;
- c. The notice of loss;
- d. The denial letter (which includes its date);
- e. The commencement of the action in state court; and
- f. The dates of incarceration.

By May 25, 2012, the parties shall file their simultaneous memoranda of law.

By June 11, 2012, they shall file their simultaneous responses.

SO ORDERED.

DATED THIS 18TH DAY OF APRIL, 2012

/s/D. BROCK HORNBY
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE