

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

PROGRESSIVE NORTHWESTERN)	
INSURANCE COMPANY,)	
)	
PLAINTIFF)	
)	
v.)	
)	
CAROLYN LEE,)	CIVIL No. 2:16-cv-454-DBH
)	
AND)	
)	
JOHN ZARNOCH, AS PERSONAL)	
REPRESENTATIVE OF THE ESTATE OF)	
EMILY ZARNOCH,)	
)	
DEFENDANTS)	

REPORT OF PRE-FILING CONFERENCE UNDER LOCAL RULE 56(h)

A Local Rule 56(h) pre-filing conference was held on April 20, 2017.

The plaintiff Progressive Northwestern Insurance Company has asserted two counts in this automobile insurance dispute, requesting judgment that the plaintiff has no duty to (1) defend or (2) indemnify anyone in connection with any claim for damages brought by the Estate of Emily Zarnoch resulting from an August 4, 2015, motor vehicle accident. The defendants Carolyn Lee and John Zarnoch, as personal representative of the Estate of Emily Zarnoch, have brought four counterclaims: (1) a declaration that the plaintiff breached its duty to defend; (2) a declaration that the plaintiff breached its duty to indemnify; (3) unfair claims practices; and (4) negligence.

The lawyers believe that the case does not involve material factual disputes and can probably be submitted to the court as a “case stated.” Sanchez-Rodriguez v. AT & T Mobility Puerto Rico, Inc., 673 F.3d 1, 10–11 (1st Cir. 2012). In that event, the parties would “waive trial and present the case to the court on the undisputed facts in the pre-trial record.” Id.

The Court endorses the following schedule proposed by the parties:

By May 11, 2017, the parties shall file the record upon which they will submit the matter as a case stated.

By June 1, 2017, the plaintiff shall file its brief, or, in the event the parties do not agree to present the case as a case stated, its motion for summary judgment with supporting materials in accordance with Local Rule 56.

By June 30, 2017, the defendants shall file their brief, or, in the event the parties do not agree to present the case as a case stated, their motion for summary judgment with supporting materials in accordance with Local Rule 56.

By July 14, 2017, the plaintiff shall file any reply.

SO ORDERED.

DATED THIS 20TH DAY OF APRIL, 2017

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