UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

AMERICAN FAMILY MUTUAL INSURANCE COMPANY, AMERICAN FAMILY LIFE INSURANCE COMPANY, and AMERICAN STANDARD INSURANCE COMPANY, Wisconsin corporations,

Plaintiffs,

v.

ORDER

Civil File No. 12-53 (MJD/SER)

STEVEN G. GRAHAM, a Minnesota resident, and STEVEN GRAHAM AGENCY, INC. a Minnesota corporation,

Defendants and Counterclaimants.

Martin S. Chester, Justin P. Krypel, and Colton D. Long, Faegre Baker Daniels LLP, Counsel for Plaintiffs.

Geoffrey P. Jarpe, Maslon Edelman Borman & Brand LLP, Counsel for Defendants and Counterclaimants.

On October 10, 2013, the parties raised the issue of whether the liquidated

damages provision involved in this litigation is enforceable. Based upon the

files, records, and proceedings herein, IT IS HEREBY ORDERED:

- 1. The Court will hold a hearing on the limited issue of enforceability of the liquidated damages provision after Plaintiffs have called their last witness, but before Plaintiffs rest.
- 2. The Court will decide the issue of enforceability after considering evidence presented at the hearing and will issue a ruling forthwith.

Dated: October 15, 2013

<u>s/ Michael J. Davis</u> Michael J. Davis Chief Judge United States District Court