

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

JOHN POLITZ and HELEN POLITZ

PLAINTIFFS

V.

CIVIL ACTION NO.1:08CV18 LTS-RHW

NATIONWIDE MUTUAL FIRE INSURANCE COMPANY,,
U.S. SMALL BUSINESS ADMINISTRATION, ET AL.

DEFENDANTS

**ORDER GRANTING IN PART AND DENYING IN PART
THE DEFENDANT'S MOTIONS FOR SUMMARY JUDGMENT
AND TO STRIKE PLAINTIFFS' CLAIMS FOR EMOTIONAL DISTRESS**

In accordance with the Memorandum Opinion I have this day entered, it is

ORDERED

That the defendant's motion [158] for summary judgment is **GRANTED IN PART** and **DENIED IN PART**. The motion is **GRANTED** as to the coverage for "other structures." In all other respects the motion is **DENIED**.

That the defendant's motion [110] to strike the plaintiffs' claims for emotional distress will be **GRANTED IN PART** and **DENIED IN PART**. The motion is **GRANTED** as to any evidence that Mrs. Politz's heart condition or "depression" was caused by Nationwide's actions in adjusting the Politzs' claim and as to any evidence that Nationwide's actions caused Mr. Politz's hypertension, diabetes, anxiety, claustrophobia, depression, or his death from osteomyelitis. In all other respects, this motion is **DENIED**.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE