

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

EILEEN M. KATICA,

Plaintiff,

v.

**ALLSTATE FIRE AND CASUALTY
INSURANCE COMPANY,**

Defendant.

Cause No. CV 16-00150-DLC-RWA

ORDER

The parties have submitted a Stipulation, pursuant to Rule 41(a), F.R.Civ.P., for the dismissal with prejudice of Plaintiff's Third Cause of Action For Insurance Bad Faith. The parties agree the dismissal shall be with prejudice and that each party shall bear her and its own attorney fees and costs. As to the disqualification of counsel Jeff Tuttle, the parties jointly agree that the dismissal of Plaintiff's Third Cause of Action is a development in the case that makes it unlikely that counsel Jeff Tuttle will be a necessary witness at trial. The Court agrees that Plaintiff's claims which will continue for underinsured motorist benefits and uninsured motorist coverage are not likely to require Mr. Tuttle's testimony as a necessary witness. The Court agrees that, upon the dismissal with prejudice of the Third Cause of Action, grounds no longer appear to exist for counsel Jeff Tuttle's continued disqualification. For good cause shown,

IT IS ORDERED that the parties' Stipulation is hereby approved and the Plaintiff's Third Cause of Action for insurance bad faith is hereby dismissed with prejudice, each party to bear her and its own costs and attorney fees.

IT IS FURTHER ORDERED that from and after the date of this Order approving the parties' Stipulation, counsel Jeff Tuttle shall be allowed to serve as trial counsel and shall be allowed to conduct and defend depositions. The Court's previous Order (Dkt. 33) is modified accordingly.

IT IS FURTHER ORDERED that Defendant Allstate's Motion for Partial Summary Judgment Regarding Third Cause of Action, Unfair Trade Practices Act Claim is denied as moot.

Done and dated in Butte this 24th day of September, 2018.

/s/ Richard W. Anderson
RICHARD W. ANDERSON
UNITED STATES MAGISTRATE JUDGE