## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION

J.O.C. FARMS, LLC.,	)
Plaintiff,	)
v.	) <b>JUDGMENT</b> ) No. 4:12-CV-186-D
RURAL COMMUNITY INSURANCE AGENCY, INC., d/b/a RURAL COMMUNITY INSURANCE SERVICES; FIREMAN'S FUND INSURANCE COMPANY; WILLIAM J. MURPHY, Administrator; THOMAS JAMES VILSACK, Secretary; and THE UNITED STATES OF AMERICA DEPARTMENT OF	) ) ) ) ) ) ) ) )
AGRICULTURE, RISK MANAGEMENT AGENCY;	)
Defendants.	)

## **Decision by Court.**

This action came before the Honorable James C. Dever III, Chief United States District Judge, for ruling as follows:

IT IS ORDERED, ADJUDGED, AND DECREED that the court DENIES the federal defendants' motion for summary judgment. The case is REMANDED to the United States Department of Agriculture to determine whether there is evidence that JOC's 2009 tobacco crop suffered from plant disease, whether such plant disease, if any, entitles JOC to an additional indemnity amount, and whether RCIS applied the proper methods when calculating JOC's indemnity payment.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that in accordance with the court's order entered on October 31, 2014, Rural Community Insurance Agency, Inc. and Fireman's Fund Insurance Company's motion to dismiss is GRANTED. The clerk shall close the case.

## This Judgment Filed and Entered on September 17, 2015, and Copies To:

Hugh Stevens (via CM/ECF electronic notification)

Michael J. Tadych Michael L. Shor Neal Fowler	(via CM/ECF electronic notification) (via CM/ECF electronic notification) (via CM/ECF electronic notification)
DATE September 17, 2015	JULIE RICHARDS JOHNSTON, CLERK By: /s/ Crystal Jenkins Deputy Clerk