

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:20-cv-212-MOC-DSC**

MICKEY E. CROWE,)	
MARY E. CROWE,)	
)	
)	
Plaintiffs,)	
vs.)	
)	
ALLSTATE INSURANCE CO.,)	<u>ORDER</u>
)	
)	
Defendant.)	
_____)	

THIS MATTER comes before the Court on its own motion following the parties’ supplemental briefing in this action. (Doc. Nos. 19, 20).

This is a dispute over insurance coverage between Plaintiffs Mickey Crowe and Mary Crowe and Defendant Allstate Insurance Company. Plaintiffs filed this action on March 4, 2020, in Gaston County Superior Court, seeking a declaratory judgment on the issue of whether Plaintiffs are entitled to insurance coverage, and also bringing a claim for unfair and deceptive trade practices under North Carolina law, based on Defendant’s denial of coverage, under N.C. GEN. STAT. §§ 58-63-15(11) and 75-1.1 et seq. (Doc. No. 1-1).

On April 9, 2020, Defendant removed the action to this Court based on diversity jurisdiction, under 28 U.S.C. § 1332. (Doc. No. 1). On May 7, 2020, Defendant filed its answer. (Doc. No. 5). Plaintiffs filed a motion for judgment on the pleadings on May 12, 2020, as to their claim for declaratory relief only. Defendant filed its own motion for judgment on the pleadings on May 26, 2020, as to all claims. This Court held a hearing on both parties’ motions on July 15, 2020. On October 30, 2020, the Court entered an order granting Plaintiffs’ motion

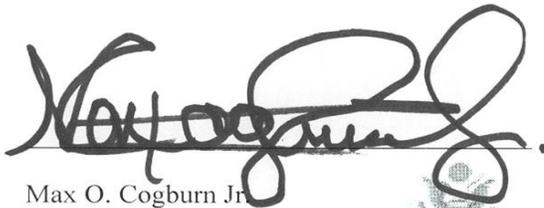
for judgment on the pleadings and denying Defendant's motion for judgment on the pleadings.

The Court further stated that it was making no ruling at that time on Plaintiffs' claim for unfair and deceptive trade practices under North Carolina law, based on Defendant's denial of coverage, under N.C. GEN. STAT. §§ 58-63-15(11) and 75-1.1 et seq. The Court gave the parties additional time to brief this issue, as well as the issue of the amount of coverage to which Plaintiffs contend they are entitled under the insurance policy. The parties have now submitted their supplemental briefings on these issues.

The Court finds that, to the extent that Defendant has moved for judgment on the pleadings as to the merits of Plaintiff's unfair and deceptive trade practices claim, the motion is denied, and the parties shall be entitled to conduct discovery on this claim. Moreover, the parties shall be allowed to conduct discovery on the amount of damages to which Plaintiffs are entitled.

IT IS SO ORDERED.

Signed: March 30, 2021



Max O. Cogburn Jr.
United States District Judge