

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DAVID ARNOLD, *et al.*,

Plaintiffs,

v.

FOREMOST INSURANCE COMPANY
GRAND RAPIDS, MICHIGAN,

Defendant.

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CASE NO. 1:16CV1944

JUDGE BENITA Y. PEARSON

MEMORANDUM OF OPINION
AND ORDER

[Resolving [ECF No. 33](#)]

Pending is Defendant Foremost Insurance Company Grand Rapids Michigan's Motion to Dismiss or Stay ([ECF No. 33](#)) pursuant to [Fed. R. Civ. P. 12\(b\)\(1\) and \(6\)](#). The Court has been advised, having reviewed the record, the parties' briefs, and the applicable law. The Court has also considered the oral statements of counsel offered during the Telephonic Status Conference held on March 15, 2017. Defendant's motion is granted in part.

The claims of Plaintiffs Sharon and Ronald Stone set forth in the Amended Class Action Complaint ([ECF No. 31](#)) are dismissed with prejudice.

The Court finds that the claims of Plaintiff David Arnold set forth in the Amended Class Action Complaint ([ECF No. 31](#)) present a dispute over the amount of loss to his rental property damaged in the June 30, 2015 fire. Therefore, the appraisal provisions in Plaintiff David Arnold's insurance policy apply to the dispute between him and Defendant. *See* Policy ([ECF No. 31-1](#)) at PageID #: 281-82. The Court hereby directs Plaintiff David Arnold and Defendant to

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address by appraisal their disagreements in the calculation of the amounts owed for Arnold's insured loss.

Further proceedings in the above-entitled action are stayed, subject to further order of the Court, upon written motion, and for good cause shown after the appraisal process has been completed. No claims of Plaintiff David Arnold or defenses shall be waived as a result of the stay.

IT IS SO ORDERED.

March 17, 2017
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge