

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT CURRIE and
KATHLEEN CURRIE,

Plaintiffs,

v.

STATE FARM FIRE AND CASUALTY
COMPANY,

Defendant.

CIVIL ACTION

No. 13-6713

ORDER

AND NOW, this 19th day of August, 2014, upon consideration of Defendant, State Farm Fire and Casualty Company's ("State Farm"), Motion for Partial Summary Judgment (Doc. No. 11), Plaintiffs, Robert Currie and Kathleen Currie's ("Plaintiffs"), Response, State Farm's Reply, and Plaintiffs' Sur-Reply, it is hereby **ORDERED** that said Motion is **GRANTED** in part and **DENIED** in part as follows:

1. Summary Judgment is **DENIED** as to the Breach of Contract claim (Count I);
2. Summary Judgment is **DENIED** as to the Bad Faith claim (Count II), specifically with regard to the issue of whether State Farm's refusal to go to appraisal constitutes bad faith; and
3. Summary Judgment is **GRANTED** specifically on the issue of whether State Farm's

dealings with Kanga Roofing constitutes bad faith.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE