

IN THE UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

JOSE CONTRERAS	§	
and RUTH CONTRERAS	§	
	§	
V.	§	CIVIL ACTION NO. G-10-318
	§	
ALLSTATE INSURANCE COMPANY	§	
and TEXAS WINDSTORM INSURANCE	§	
ASSOCIATION	§	

OPINION AND ORDER

It is well-settled and beyond peradventure that Plaintiff is not entitled to a jury trial under either the Seventh Amendment, Lehman v. Nakshian, 453 U.S. 156, 160 (1981), or the National Flood Insurance Act, Sandia Oil Co., Inc. v. Beckton, Director FEMA, 889 F.2d 258, 262 (10th Cir. 1989), in a claims handling dispute against a WYO carrier with the National Flood Insurance Program acting in its capacity as a fiscal agent of the United States and the equivalent of FEMA itself, Van Holt v. Liberty Mutual Ins. Co., 163 F.3d 161, 166 (3^d Cir. 1998).

It is, therefore, **ORDERED** that the Plaintiff's jury demand, insofar as it seeks a jury trial against Allstate Insurance Company, is **VACATED**.

DONE at Galveston, Texas, this 22nd day of June, 2011.



 John R. Froeschner
 United States Magistrate Judge