

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

HOLLY COOPER-ROELL	§	
	§	
V.	§	CIVIL ACTION NO. G-10-359
	§	
FIDELITY NATIONAL PROPERTY AND	§	
CASUALTY INSURANCE COMPANY	§	

OPINION AND ORDER

Before the Court is the Motion of Plaintiff, Holly Cooper-Roell, to set aside the Final Judgment entered in this cause on March 29, 2013, in favor of Defendant, Fidelity National Property and Casualty Insurance Company (Fidelity); the request must be denied.

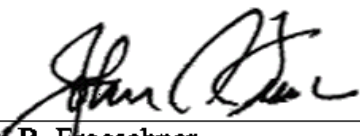
On March 29, 2013, this Court issued an Opinion and Order dismissing the Complaint of Plaintiff because she never submitted a Proof of Loss for the further benefits she sought under her Standard Flood Insurance Policy (SFIP). That same day, the Court entered Final Judgment in favor of Fidelity. In the instant Motion, Plaintiff asserts that after Hurricane Ike she sought social security disability benefits; that her attorney failed to conduct adequate discovery; that Fidelity has been accused of fraud by issuing SFIPs for uninsurable properties; that Fidelity's expert witness is a "liar/fraudulent expert"; and that she never received a copy of her policy. Even if all of Plaintiff's allegations were true, the fact fatal to her complaint remains unassailable: she failed to submit the legally required Proof of Loss for additional benefits under the policy. Marseilles Homeowners

Condominiums v. Fidelity National Insurance Co., 542 F.3d 1053, 1056 (5th Cir. 2008)

Consequently, reinstatement of her complaint would be futile.

It is, therefore, **ORDERED** that the “Pro Se Request for Court to Set Aside Order Dated March 29, 2013 and Reinstate Claim and Case in Full” (Instrument no. 53) of Plaintiff, Holly Cooper-Roell, is **DENIED**.

DONE at Galveston, Texas, this _____ 26th _____ day of June, 2013.



John R. Froeschner
United States Magistrate Judge