

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

GALVESTON DIVISION

MICHAEL ROSTEN	§	
and CARYL ROSTEN	§	
	§	
V.	§	CIVIL ACTION NO. G-11-072
	§	
HARTFORD LLOYD'S INSURANCE	§	
COMPANY, DONALD SIGGINS	§	
and SEAN GRINNAN	§	

OPINION AND ORDER

Before the Court is “Hartford Lloyd’s Insurance Company’s Motion to Compel Appraisal and Abatement” filed on December 14, 2011. Having considered the Motion, Plaintiffs’ response, Hartford’s reply and relevant case law, the Court now issues this Opinion and Order.

Plaintiffs “agree that appraisal is appropriate under the facts of this particular case,” they just oppose abating the case during the appraisal process. Of course, abatement pending appraisal is not required, In re Universal Underwriters, ___ S.W.3d ___, 2011 WL 1713278, *7 n.5 (Tex. May 6, 2011), but in the opinion of this Court, it is appropriate; abatement may, as Hartford points out, avoid a waste of “the resources of the parties and courts” if the appraisal ultimately resolves this matter.

It is, therefore, **ORDERED** that Hartford's Motion to Compel Appraisal (Instrument no. 11) is **GRANTED**; that the Plaintiffs and Hartford **SHALL**, on or before February 6, 2012, designate their respective appraisers; and that an umpire **SHALL** be agreed upon, or a Motion to Appoint an Umpire filed, on or before February 17, 2012.

It is further **ORDERED** that pending the conclusion of the appraisal, all further proceedings in this action are **ABATED**.

It is further **ORDERED** that the Parties **SHALL** notify the Court of the result of the appraisal within 10 days following its completion.

DONE at Galveston, Texas, this 18th day of January, 2012.



John R. Froeschner
United States Magistrate Judge