TERMED,REMOVAL

U.S. District Court
Southern District of Iowa (Eastern)
CIVIL DOCKET FOR CASE #: 3:21-cv-00007-SHL-HCA

Piatz v. State Farm Mutual Automobile Insurance Company
Assigned to: Judge Stephen H. Locher
Referred to: Magistrate Judge Helen C. Adams
Case in other court: Clinton County, IA, LACV047235
Cause: 28:1441 Petition for Removal- Insurance Contract

Date Filed: 02/02/2021
Date Terminated: 09/28/2022
Jury Demand: Both
Nature of Suit: 110 Insurance
Jurisdiction: Diversity

Plaintiff

Alaina Piatz represented by **Dorothy A. O'Brien**
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V.

Defendant

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Date Filed	#	Docket Text
01/11/2023	74	ORDER denying 72 Motion for New Trial. Signed by Judge Stephen H. Locher on 1/11/2023. (mm) (Entered: 01/11/2023)
11/08/2022	73	RESPONSE to Motion re 72 MOTION for New Trial filed by State Farm Mutual Automobile Insurance Company. Replies due by 11/15/2022. (Attachments: # 1 Brief in Support)(Martino, Laura) (Entered: 11/08/2022)
10/25/2022	72	MOTION for New Trial by Alaina Piatz. Responses due by 11/8/2022. (Attachments: # 1 Brief in Support, # 2 Exhibit, # 3 Exhibit)(Marquard, Kelsey) (Entered: 10/25/2022)
09/29/2022	71	ELECTRONIC EXHIBITS by Alaina Piatz . (Attachments: # 1 Exhibit UIHC records pages 231-457, # 2 Exhibit UIHC records pages 1-231)(O'Brien, Dorothy) (Entered: 09/29/2022)
09/29/2022	70	ELECTRONIC EXHIBITS by Alaina Piatz . (Attachments: # 1 Exhibit Dr. Pugely CV, # 2 Exhibit Hosn records, # 3 Exhibit restriction, # 4 Exhibit photo, # 5 Exhibit photo, # 6 Exhibit photo, # 7 Exhibit medical bills, # 8 Exhibit 1006 summary)(O'Brien, Dorothy) (Entered: 09/29/2022)
09/29/2022	69	ELECTRONIC EXHIBITS by State Farm Mutual Automobile Insurance Company . (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit)(Martino, Laura) (Entered: 09/29/2022)
09/28/2022	68	JUDGMENT regarding Jury Verdict and Offsets. Signed by Clerk John S. Courter on 9/28/2022. (kjw) (Entered: 09/28/2022)
09/27/2022	67	Witness List re Jury Trial held 9/26/2022-9/27/2022. (mm) (Entered: 09/28/2022)
09/27/2022	66	Exhibit List re Jury Trial held 9/26/2022-9/27/2022. (mm) (Entered: 09/28/2022)
09/27/2022	65	Final Jury Instructions. (mm) (Entered: 09/27/2022)
09/27/2022	64	ORDER Regarding Jury Verdict and Offsets. Signed by Judge Stephen H. Locher on 9/27/2022. (mm) (Entered: 09/27/2022)
09/27/2022	63	Sealed Jury Verdict. (mm) (Entered: 09/27/2022)
09/27/2022	62	JURY VERDICT. (mm) (Entered: 09/27/2022)
09/27/2022	61	Minute Entry for proceedings held before Judge Stephen H. Locher: Jury Trial Day 2 (Final Day) completed on 9/27/2022. (Court Reporter Tonya Gerke.) (mm) (Entered: 09/27/2022)
09/27/2022	60	BRIEF Defendant's Offer of Proof by State Farm Mutual Automobile Insurance Company . (Attachments: # 1 Exhibit)(Martino, Laura) (Entered: 09/27/2022)
09/26/2022	58	Preliminary Jury Instructions. (mm) (Entered: 09/27/2022)
09/26/2022	57	Minute Entry for proceedings held before Judge Stephen H. Locher: Jury Trial - Day 1 held on 9/26/2022. (Court Reporter Tonya Gerke.) (mm) (Entered: 09/26/2022)

09/26/2022	56	Jury Challenge Sheet filed by Courtroom Deputy. (mm) (Entered: 09/26/2022)
09/23/2022	55	Sealed Document: Email correspondence with the Court. (mm) (Entered: 09/23/2022)
09/22/2022	54	Exhibit List by State Farm Mutual Automobile Insurance Company. (Martino, Laura) (Entered: 09/22/2022)
09/21/2022	53	ORDER Granting 36 MOTION in Limine and Ruling on Evidentiary Issues. See Order for particulars. Signed by Judge Stephen H. Locher on 9/21/2022. (lcw) (Entered: 09/21/2022)
09/21/2022	52	FINAL PRETRIAL ORDER. Signed by Judge Stephen H. Locher on 9/21/2022. (lcw) (Entered: 09/21/2022)
09/20/2022	51	SUMMONS Returned Executed by Alaina Piatz. (Marquard, Kelsey) (Entered: 09/20/2022)
09/16/2022	50	NOTICE by State Farm Mutual Automobile Insurance Company *of Objections to Dr. Pugley Testimony*. (Attachments: # 1 Exhibit)(Martino, Laura) (Entered: 09/16/2022)
09/09/2022	49	TEXT ORDER: As discussed during the Final Pretrial Conference, on or before September 16, 2022, counsel shall file the deposition transcript of Dr. Pugely. Green highlighting should be used to designate testimony that the parties agree shall be admitted into the record without objection. Yellow highlighting should be used to designate testimony to which there is an objection. To the extent the basis for the objection isnt obvious from the transcript, the party making the objection shall attach a supplement explaining the basis of the objection. On or before September 23, 2022, counsel shall file the deposition transcript of Dr. Boulden and, if applicable, Mr. Mann. The parties should follow the same instructions noted above regarding highlighting and objections. Signed by Judge Stephen H. Locher on September 9, 2022. (mm) (Entered: 09/09/2022)
09/08/2022	48	Minute Entry for proceedings held before Judge Stephen H. Locher: Final Pretrial Conference held on 9/8/2022. (Court Reporter Tonya Gerke.) (mm) (Entered: 09/08/2022)
09/07/2022	47	ORDER granting 35 Motion to Exclude Expert Testimony. Signed by Judge Stephen H. Locher on 9/7/2022. (mm) (Entered: 09/07/2022)
09/06/2022	46	TEXT ORDER: the Final Pretrial Conference is hereby RESET for 9/8/2022 at 10:00 AM via Phone Hearing before Judge Stephen H. Locher. Counsel shall call 1-877-336-1839 and enter access code 3234426. Signed by Judge Stephen H. Locher on 9/6/2022. (mm) (Entered: 09/06/2022)
09/06/2022	45	Proposed Pretrial Order by Alaina Piatz. (O'Brien, Dorothy) (Entered: 09/06/2022)
09/05/2022	44	Proposed Jury Instructions by Alaina Piatz. (Marquard, Kelsey) (Entered: 09/05/2022)
09/05/2022	43	TRIAL BRIEF by State Farm Mutual Automobile Insurance Company. (Martino, Laura) (Entered: 09/05/2022)
09/05/2022	42	Proposed Voir Dire by State Farm Mutual Automobile Insurance Company. (Martino, Laura) (Entered: 09/05/2022)
09/05/2022	41	TRIAL BRIEF by Alaina Piatz. (Attachments: # 1 Exhibit dep pages Dr. Pugely, # 2 Exhibit thoracic surgery records)(O'Brien, Dorothy) (Entered: 09/05/2022)
09/05/2022	40	Proposed Voir Dire by Alaina Piatz. (O'Brien, Dorothy) (Entered: 09/05/2022)
09/02/2022	39	REPLY *to Plaintiff's Resistance* re 35 MOTION to Exclude Expert Testimony filed by State Farm Mutual Automobile Insurance Company.(Martino, Laura) (Entered: 09/02/2022)

08/29/2022	38	RESPONSE to Motion re 36 MOTION in Limine filed by Alaina Piatz. Replies due by 9/6/2022.(O'Brien, Dorothy) (Entered: 08/29/2022)
08/29/2022	37	RESPONSE to Motion re 35 MOTION to Exclude Expert Testimony filed by Alaina Piatz. Replies due by 9/6/2022. (Attachments: # 1 Affidavit Kent Jayne affidavit)(O'Brien, Dorothy) (Entered: 08/29/2022)
08/18/2022	36	MOTION in Limine by State Farm Mutual Automobile Insurance Company. Responses due by 9/1/2022. (Attachments: # 1 Exhibit)(Martino, Laura) (Entered: 08/18/2022)
08/18/2022	35	MOTION to Exclude Expert Testimony by State Farm Mutual Automobile Insurance Company.Motions referred to Helen C. Adams. Responses due by 9/1/2022. (Attachments: # 1 Brief in Support, # 2 Exhibit)(Martino, Laura) (Entered: 08/18/2022)
07/26/2022		Judge Stephen H. Locher added. Chief Judge Stephanie M. Rose no longer assigned to case. Jury Trial set for 9/26/2022 - 9/28/2022 09:00 AM in Davenport Courthouse before Judge Stephen H. Locher. ***This is a change in judicial officer only*** (kjw) (Entered: 07/26/2022)
07/18/2022	34	TEXT ORDER granting 33 Motion for Extension of Time of R16/Scheduling Order Deadlines. Defendant's Supplemental Expert deadline is extended to 7/29/2022. The Court does not anticipate granting any further extensions. Signed by Chief Magistrate Judge Helen C. Adams on 7/18/2022. (jsa) (Entered: 07/18/2022)
07/15/2022	33	MOTION for Extension of Time For Scheduling Order/R16 Deadlines of Supplemental Expert by State Farm Mutual Automobile Insurance Company.Motions referred to Helen C. Adams. Responses due by 7/29/2022. (Martino, Laura) (Entered: 07/15/2022)
06/14/2022	32	NOTICE by Alaina Piatz (Marquard, Kelsey) (Entered: 06/14/2022)
06/03/2022	31	SUPPLEMENT/ADDENDUM by Alaina Piatz. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3)(Marquard, Kelsey) (Entered: 06/03/2022)
05/24/2022	30	NOTICE by Alaina Piatz (Marquard, Kelsey) (Entered: 05/24/2022)
03/31/2022	29	TEXT ORDER granting 28 Motion to Continue Trial. Final Pretrial Conference is RESET for 9/8/2022 at 10:00 AM in Davenport Courthouse before Chief Magistrate Judge Helen C. Adams. Jury Trial is RESET for 9/26/2022 at 09:00 AM in Davenport Courthouse before Chief Judge Stephanie M. Rose. Estimated length of trial 3 days. The Court also finds good cause to reset the expert witness disclosure deadlines as follows: Plaintiff to supplement expert designations by 6/3/2022. Defendant can supplement its expert designations by 7/15/2022. Signed by Chief Magistrate Judge Helen C. Adams on 3/31/2022. (jsa) Modified on 3/31/2022 (jsa). (Entered: 03/31/2022)
03/30/2022	28	First MOTION to Continue *Trial (unresisted)* by Alaina Piatz.Motions referred to Helen C. Adams. Responses due by 4/13/2022. (O'Brien, Dorothy) (Entered: 03/30/2022)
03/30/2022	27	TEXT MINUTE ENTRY for proceedings held before Chief Magistrate Judge Helen C. Adams: Telephonic Status Conference held on 3/30/2022. Attorneys Dorothy A. O'Brien and Kelsey Ann Ward Marquard appeared for Plaintiff. Attorney Laura Nicole Martino appeared for Defendant. Status of the case discussed. Total Court Time: 5 minutes. Signed by Chief Magistrate Judge Helen C. Adams on 3/30/2022. (jsa) (Entered: 03/30/2022)
03/30/2022	26	STATUS REPORT *2022.3.30* by Alaina Piatz. (O'Brien, Dorothy) (Entered: 03/30/2022)
03/25/2022	25	TEXT ORDER: A Status Conference is set for 3/30/2022 at 09:30 AM before Chief Magistrate Judge Helen C. Adams. Counsel shall call 1-877-336-1829 and enter code 1176783. Signed by Chief Magistrate Judge Helen C. Adams on 3/25/2022. (jsa) (Entered: 03/25/2022)

03/16/2022		Set/Reset Hearings: ***This is a change in judicial officer only*** Jury Trial set for 4/25/2022 - 4/27/2022 09:00 AM in Davenport Courthouse before Chief Judge Stephanie M. Rose. (kjw) Modified on 3/16/2022 corrected court house(kjw). (Entered: 03/16/2022)
03/15/2022		Chief Judge Stephanie M. Rose added. Judge John A. Jarvey no longer assigned to case. (don) (Entered: 03/15/2022)
11/22/2021	24	ORDER granting 18 Motion for Partial Summary Judgment. Signed by Chief Judge John A. Jarvey on 11/22/2021. (cmk) (Entered: 11/22/2021)
10/12/2021	23	***REPLY*** RESPONSE to Motion re 18 MOTION for Summary Judgment *Reply to Plaintiff's Resistance* filed by State Farm Mutual Automobile Insurance Company. (Attachments: # 1 Statement of Facts, # 2 Appendix)(Martino, Laura) Modified on 10/13/2021 removed reply deadline (kjw). (Entered: 10/12/2021)
10/06/2021	22	NOTICE of Appearance by Kelsey Ann Ward Marquard on behalf of Alaina Piatz (Marquard, Kelsey) (Entered: 10/06/2021)
10/06/2021	21	TEXT ORDER CANCELING OCTOBER STATUS CONFERENCE. Per 20 Status Report and email communications, the parties report they have no issues to discuss with the Court and are on track to meet deadlines. As such, the 10/7/2021 Status Conference is canceled. Signed by Chief Magistrate Judge Helen C. Adams on 10/6/2021. (jsa) (Entered: 10/06/2021)
10/05/2021	20	STATUS REPORT by Alaina Piatz. (O'Brien, Dorothy) (Entered: 10/05/2021)
10/04/2021	19	RESPONSE to Motion re 18 MOTION for Summary Judgment filed by Alaina Piatz. Replies due by 10/12/2021. (Attachments: # 1 Statement of Facts response to defendant's facts, # 2 Statement of Facts PLaintiff's Statement of Facts, # 3 Appendix Plaintiff's Appendix)(O'Brien, Dorothy) (Entered: 10/04/2021)
09/17/2021	18	MOTION for Summary Judgment by State Farm Mutual Automobile Insurance Company. Responses due by 10/8/2021. (Attachments: # 1 Statement of Facts, # 2 Brief in Support, # 3 Appendix)(Martino, Laura) (Entered: 09/17/2021)
08/20/2021	17	TEXT ORDER granting 15 Motion for Extension of Time of R16/Scheduling Order Deadlines Defendants Expert Witness Disclosures due by 10/7/2021. Plaintiffs Rebuttal Witness Disclosures due by 11/3/2021. Discovery Deadline 11/24/2021. Defendant's counsel indicated during the Status Conference held on 8/20/2021 the extension of the expert deadlines will not impact the dispositive motion deadline. Signed by Chief Magistrate Judge Helen C. Adams on 8/20/2021. (jsa) (Entered: 08/20/2021)
08/20/2021	16	TEXT MINUTE ENTRY for proceedings held before Chief Magistrate Judge Helen C. Adams: Telephonic Status Conference held on 8/20/2021. Attorney Dorothy A. O'Brien appeared for Plaintiff. Attorney Laura Nicole Martino appeared for Defendant. Status of the case discussed. Separate order to follow. Total Court Time: 10 minutes. (jsa) (Entered: 08/20/2021)
08/18/2021	15	Unresisted MOTION for Extension of Time For Scheduling Order/R16 Deadlines of Expert Deadlines by State Farm Mutual Automobile Insurance Company.Motions referred to Helen C. Adams. Responses due by 9/1/2021. (Martino, Laura) (Entered: 08/18/2021)
06/14/2021	14	TEXT ORDER CANCELING STATUS CONFERENCE. As discussed via email, the parties are on track to me their deadlines and have no issues to discuss with the Court. The Status Conference set for 6/18/2021 is canceled. Signed by Chief Magistrate Judge Helen C. Adams on 6/14/2021. (bam) (Entered: 06/14/2021)
05/19/2021	13	TEXT ORDER granting 12 Motion for Extension. The Court finds good cause for the following extensions:Plaintiff's expert deadline is now 7/1/2021; Defendant's expert

		deadline is now 9/7/2021; Plaintiff's rebuttal deadline is now 10/4/2021; the discovery deadline is now 10/25/2021; and the dispositive motion deadline is now 11/15/2021. The Court does not anticipate granting any further extensions of the pre-trial deadlines given the final pretrial conference and trial dates. Signed by Chief Magistrate Judge Helen C. Adams on 5/19/2021. (bam) (Entered: 05/19/2021)
05/19/2021	12	Unresisted MOTION for Extension of Time to File *expert report* by Alaina Piatz.Motions referred to Helen C. Adams. Responses due by 6/2/2021. (O'Brien, Dorothy) (Entered: 05/19/2021)
03/10/2021	11	ORDER SETTING STATUS CONFERENCES. See Order for particulars. Telephonic Status Conferences set for: 6/18/2021 at 10:00 AM; 8/20/2021 at 10:00 AM; 10/7/2021 at 10:00 AM before Chief Magistrate Judge Helen C. Adams. Counsel shall call 1-877-336-1829 and enter code 1176783 to join the calls. Signed by Chief Magistrate Judge Helen C. Adams on 3/10/2021. (bam) (Entered: 03/10/2021)
03/10/2021	10	ORDER REGARDING FINAL PRETRIAL CONFERENCE REQUIREMENTS. See Order for particulars. Signed by Chief Magistrate Judge Helen C. Adams on 3/10/2021. (Attachments: # 1 Supplement Fillable Order, # 2 Supplement JERS Instructions) (bam) (Entered: 03/10/2021)
03/10/2021	9	ORDER Adopting 5 REGARDING PROPOSED SCHEDULING ORDER AND DISCOVERY PLAN: Initial Disclosures Deadline 3/19/2021. Motions to Add Parties due by 5/3/2021. Motions to Amend Pleadings due by 5/3/2021. Plaintiffs Expert Witness Disclosures due by 6/1/2021. Defendants Expert Witness Disclosures due by 8/2/2021. Plaintiffs Rebuttal Witness Disclosures due by 9/1/2021. Discovery Deadline 10/1/2021. Dispositive Motion Deadline 10/15/2021. Final Pretrial Conference set for 4/11/2022 10:00 AM in Davenport Courthouse before Chief Magistrate Judge Helen C. Adams. Jury Trial set for 4/25/2022 09:00 AM in Davenport Courthouse before Chief Judge John A. Jarvey. Estimated Trial length of 3 days. Signed by Chief Magistrate Judge Helen C. Adams on 3/10/2021. (bam) (Entered: 03/10/2021)
03/10/2021	8	TEXT MINUTE ENTRY for proceedings held before Chief Magistrate Judge Helen C. Adams: Telephonic Scheduling Conference held on 3/10/2021. Attorney Dorothy A. O'Brien appeared for Plaintiff. Attorney Nicole Martino appeared for Defendant. Status of the case discussed. Separate orders to follow. Total Court Time: 14 minutes. (bam) (Entered: 03/10/2021)
02/23/2021	7	Corporate Disclosure/Statement of Interest by State Farm Mutual Automobile Insurance Company. (Cook, Guy) (Entered: 02/23/2021)
02/17/2021	6	TEXT ORDER RESETTING SCHEDULING CONFERENCE. Due to a scheduling conflict, the Scheduling Conference set for 3/8/2021 is RESET for 3/10/2021 at 11:00 AM before Chief Magistrate Judge Helen C. Adams. Counsel shall call 1-877-336-1829 and enter code 1176783. Signed by Chief Magistrate Judge Helen C. Adams on 2/17/2021. (bam) (Entered: 02/17/2021)
02/11/2021	5	PROPOSED SCHEDULING ORDER AND DISCOVERY PLAN . (O'Brien, Dorothy) (Entered: 02/11/2021)
02/09/2021	4	TEXT ORDER SETTING SCHEDULING CONFERENCE. A Telephonic Scheduling Conference is set for 3/8/2021 at 10:00 AM before Chief Magistrate Judge Helen C. Adams. Counsel shall call 1-877-336-1829 and enter code 1176783. The Parties shall file a proposed scheduling order and discovery plan as provided in L.R. 16 by 3/2/2021. Signed by Chief Magistrate Judge Helen C. Adams on 2/9/2021. (bam) (Entered: 02/09/2021)
02/09/2021	3	Answer to Complaint (Notice of Removal) *(Document 1-2 Attachment A-Petition)* by State Farm Mutual Automobile Insurance Company.(Cook, Guy) (Entered: 02/09/2021)

02/03/2021	2	Corporate Disclosure Packet Note: Counsel should download the attached corporate disclosure packet in compliance with Local Rule 7.1 for the disclosure statements. Corporate Disclosure Statement deadline set for defendant 2/23/2021. (kjw) (Entered: 02/03/2021)
02/02/2021	1	NOTICE OF REMOVAL by State Farm Mutual Automobile Insurance Company from Iowa District Court in and for Clinton County, case number LACV047235. Filing fee paid in the amount of $ 402, receipt number 0863-4382688., filed by State Farm Mutual Automobile Insurance Company. Rule 16 Notice of Dismissal set for 5/3/2021. (Attachments: # 1 Appendix, # 2 Attachment A - Petition, # 3 Attachment B - Original Notice, # 4 Attachment C - Acceptance of Service, # 5 Attachment D - Appearance)(Cook, Guy) (Entered: 02/02/2021)

PACER Service Center			
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PACER Login:	Cdonels7	**Client Code:**	999999.9999
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Billable Pages:	6	**Cost:**	0.60

IN THE IOWA DISTRICT COURT FOR CLINTON COUNTY

ALAINA PIATZ, PLAINTIFF V. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, DEFENDANT	CASE NO. 3:21-CV-00007 SCHEDULING REPORT AND DISCOVERY PLAN

Come now the parties, through counsel, and submit this proposed discovery plan and scheduling order.

1. Counsel for the parties met via teleconference on February 17, 2021 and agreed to exchange initial disclosures on March 19, 2021. The parties do not anticipate ESI will be involved in this case except that medical records will be electronically shared.
2. The deadline for adding parties will be May 1, 2021.
3. The deadline for filing motions to amend pleadings will be May 1, 2021.
4. The deadlines for the parties to disclose expert witnesses along with the expert reports and other information required by F. R. Civ Proc. 26 are as follows:
   a. Plaintiff: June 1, 2021.
   b. Defendant: August 2, 2021.
   c. Plaintiff's rebuttal: September 1, 2021.
5. All discovery will be completed by October 1, 2021.

6. Dispositive Motions: October 15, 2021

7. Trial Ready Date: March 1, 2022

8. A jury demand has been filed.

9. The parties estimate that this case will take 3 days to try.

10. Court sponsored settlement conference: The parties will request a conference if needed.

11. A planning and scheduling conference has been set for March 8, 2021.

12. Consent to Magistrate Judge: There is no unanimous consent at this time.

Respectfully submitted,

/s/ Dorothy A. O'Brien
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ATTORNEYS FOR DEFENDANT

IT IS SO ORDERED ON March ___, 2021.

_____
Chief Magistrate Judge Helen C. Adams