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COMMONWEALTH OF KENTUCKY
McCRACKEN CIRCUIT COURT
Civil Action No. 16-CI-00449
Division No. II



CHARLES WRIGHT

PLAINTIFF

VS.

ALLSTATE PROPERTY & CASUALTY
INSURANCE COMPANY

DEFENDANT

ORDER GRANTING MOTION TO COMPEL

This matter is before the Court on Plaintiff's Motion to Compel Defendant Allstate Property and Casualty Insurance Company to provide its entire casefile to Plaintiff. The motion is GRANTED.

This case involves claims of bad faith and violations of the Unfair Claims Settlement Practices Act, KRS 304.12.230, by Allstate during its handling of Plaintiff, Charles Wright's claim for underinsured motorist benefits. Wright was injured in a motor vehicle collision on June 15, 2014, Allstate made an offer on Wright's UIM claim on December 12, 2019 and finally issued payment to Wright in January of 2020. Wright has requested the entire claims file as part of discovery, Allstate has produced the file for approximately a two-month window in time between December 2016 and January 2017. Allstate claims that it has turned over all relevant portions of Wright's claim file.

Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. CR 26.02(1). Basic discovery in insurance bad faith case would normally include a copy of

the insurance company's claim file. In first-party bad faith insurance claims, the entire file is typically discoverable by the plaintiff because the insurance file is created on behalf of the insured. *Shaheen v. Progressive Cas. Ins. Co.*, 2012 U.S. Dist. WL 364.4817 (W.D. Ky. March 2, 2012). The "entire file" includes the portions of file created after the bad faith claim in this action was initiated. If the Defendant believes that a particular document is protected by attorney-client privilege or is attorney work product, the Defendant may petition the court for a protective order excluding that document from discovery.

IT IS HEREBY ORDERED that the Plaintiff's motion to compel discovery is **GRANTED**, and Defendant shall furnish the requested materials to the Plaintiff no later than thirty days from the entry of this Order.

ENTERED this 30 day of July 2021.



W. A. KITCHEN, JUDGE
McCracken Circuit Court
Division No. II

CLERK'S CERTIFICATE

The foregoing Order was entered this 4 day of ~~July~~, 2021, and copies were mailed to the following:

august

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KIM CHANNELL, CLERK
McCRACKEN CIRCUIT COURT

BY: Becky Brunm D.C.