

TO: Judge  
FROM: Donald  
DATE: 9-1-82  
RE: Marzuella Hall vs. Aetna Casualty & Surety Co.  
82-224  
Preliminary Conference, 9-2-82, 3:00 p.m.

1. Diversity action      Kentucky plaintiff  
                                 Connecticut defendant  
  
Amount in controversy: \$15,000.00
2. Nature of case: Breach of Contract
3. The facts:
  - a. Plaintiff purchased insurance policy from defendant to cover property damage to store building (\$35,000 limit) and its contents (\$15,000 limit).
  - b. Building and contents were totally destroyed by fire.
  - c. Defendant has paid plaintiff's claim for the property damage, but refuses to pay claim for the contents.
4. Defenses raised:
  - a. Proof of loss of claim not timely filed pursuant to policy provisions (within 60 days of loss).
  - b. accord and satisfaction.
  - c. waiver by plaintiff.
5. This action was initiated in Magoffin Circuit Court, but defendant filed its Petition for Removal to this court.
6. Both parties have complied with the standing order pertaining to information required by the court prior to the preliminary conference.
  - a. Plaintiff's Preliminary Trial Memorandum is good, especially Section IV (Substantive Issues of Law). Perhaps defendant's behavior resulted in plaintiff's not meeting the 60-day notice requirement. Case law cited favoring plaintiff.  
  
Apparently plaintiff attempted to comply with notice requirement by submitting lists of inventory and equipment to defendant's adjusters. Substantial compliance as opposed to strict compliance.
  - b. Defendant's Preliminary Trial Memorandum is skeletal; no case law or horn book law cited.
7. Neither party raises any procedural issues.



5-18-83

RE: 82-224  
Marzuella Hall v. Aetna Casualty

PTC, Thurs., 5-19-83, at 9:00 a.m.

Synopsis: The Court's Memorandum Opinion &  
Order of February 23, 1983  
denied both parties' motions for  
S/J, and set the matter for trial.  
Neither party has filed anything  
since that time.

Pending Motions: None.

The Western Ky. Import



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PLAINTIFFS

MARZUELLA HALL

DEFENDANTS

AETNA CASUALTY AND SURETY COMPAN

CAUSE

(CITE THE U.S. CIVIL STATUTE UNDER WHICH THE CASE  
IS FILED AND WRITE A BRIEF STATEMENT OF CAUSE)

PETITION FOR REMOVAL from Magoffin Circuit Court.

GS

ATTORNEYS

(MAGOFFIN)

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<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL C.	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE
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				JS-6	