

Content type

Cases

32

Trial Court Orders

0

Statutes

0

Regulations

0

Secondary Sources

0

Administrative Decisions & Guidance

0

All cited authority

32

Filter

Clear

KeyCite treatment

☐

Severely negative

2

## Citation issues (19)

The following citations match to a different authority on Westlaw, cite documents that are not available, or match multiple documents on Westlaw.

Citation from uploaded document	Citation on Westlaw
1 Harrington v. City of Lancaster, 578 F.3d 412, 419 (3d Cir. 2010)	Lindsay v. Yates, 578 F.3d 407 (6th Cir. 2009)
2 Dietrich v. City of Reading, 571 F.3d 504, 510 (3d Cir. 2009)	Kramer v. Paul Revere Life Ins. Co., 571 F.3d 499 (6th Cir. 2009)
3 McTernan v. City of York, 546 F.3d 636, 646 (3d. Cir. 2009)	Vaught v. Scottsdale Healthcare Corp. Health Plan, 546 F.3d 620 (9th Cir. 2008)
4 Crawford v. Metropolitan Life Ins. Co., 553 U.S. 218 (2008)	Crawford v. Marion County Election Bd., 553 U.S. 181 (Supreme Ct. 2008)
5 Ashcroft v. Iqbal, 558 U.S. 662 (2009)	Citizens United v. Federal Election Com'n, 558 U.S. 310 (Supreme Ct. 2010)
6 Riverbend Assocs. v. Slattery, 549 U.S. 312, 320 (2007)	Weyerhaeuser Co. v. Ross-Simmons Hardwood Lumber Co., Inc., 549 U.S. 312 (Supreme Ct. 2007)
7 Bell Atlantic Corp. v. Twombly, 552 U.S. 544, 557 (2007)	Medellín v. Texas, 552 U.S. 491 (Supreme Ct. 2008)
8 Delgado v. Nationwide Insurance Company, 865 A.2d 498 (Pa. Super. 2004)	Zirinsky v. Zirinsky, 87 Conn.App. 257 (Ct. of Appeals 2005)
9 Brown v. Progressive Insurance Company, 680 A. 2d 493 (Pa. Super. 2004)	North River Ins. Co. v. Mayor and City Council of Baltimore, 343 Md. 34 (Supreme Ct. 1996)
10 Mitchell v. Geico Ins. Co., 991 A.2d 804 (Pa. Super. 2010)	Camden Nat. Bank v. Steamship Navigation Co., 991 A.2d 800 (Supreme Ct. 2010)
11 Johnson v. Progressive Ins. Co., 978 A. 2d 781 (Pa. Super. 2009)	CSX Transp., Inc. v. Bickerstaff, 187 Md.App. 187 (Appellate Ct. 2009)
12 Sullivan v. State Farm Mut. Auto Ins. Co., 61 Fed. Appx. 227, 230 (3d Cir. 2012)	Laurence Wolf Capital Management Trust v. City of Ferndale, 61 Fed.Appx. 204 (6th Cir. 2003)
13 Smith v. State Farm Mut. Auto Ins. Co., 56 Fed. Appx. 133, 138 (3d. Cir. 2012)	U.S. v. Lutz, 56 Fed.Appx. 133 (4th Cir. 2003)
14 Smith v. State Farm Mut. Auto Ins. Co., 65 Fed. Appx. 133, 136 (3d. Cir. 2012)	Saumur v. Robles, 65 Fed.Appx. 132 (9th Cir. 2003)
15 Azimi v. National Fire Ins. Co. of Hartford, 748 F. Supp. 2d 612 (E.D. Pa. 2010)	American Southern Ins. Co. v. Buckley, 748 F.Supp.2d 610 (E.D. TX 2010)
16 Atiyeh v. National Fire Ins. Co. of Hartford, 724 F. Supp. 2d 591 (E.D. Pa. 2010)	U.S. v. Divine, 724 F.Supp.2d 590 (W.D. VA 2010)
17 Zagorski v. Provident Life & Accident Ins. Co. of Am., 674 F. Supp. 2d 718 (M.D. Pa. 2009)	Ervin v. Continental Conveyor & Equipment Co., Inc., 674 F.Supp.2d 709 (D. SC 2009)
18 Zaloga v. Provident Life & Accident Ins. Co. of Am., 617 F. Supp. 2d 623 (M.D. Pa. 2009)	Cvijetinovic v. Eberlin, 617 F.Supp.2d 620 (N.D. OH 2008)
19 860 A. 2d 439 (Pa. Super. 2004)	No citation found

## Cases (32)

☐ Select all items 0 items selected



### 1. [Cvijetinovic v. Eberlin](#)

United States District Court, N.D. Ohio, Eastern Division. • March 31, 2008 • 617 F.Supp.2d 620 • 2008 WL 918576

Depth of discussion ■■■□□□

📅 10+ years

- ▼ Reversed by [Cvijetinovic v. Eberlin](#) 6th Cir.(Ohio) August 23, 2010  
...13, 2010. Background: After his state convictions and sentences for multiple charges related to armed robberies and intimidation were affirmed, 2003 WL 253752 and 2003 WL 23010040, petitioner filed petition for writ of habeas corpus. The United States District Court for the Northern District of Ohio Kathleen McDonald O'Malley, J., [617 F.Supp.2d 620](#), conditionally granted the petition in part. Prison warden appealed, and the order granting the habeas petition was stayed, 2008 WL 2357638 4 Holding: The Court of Appeals Boggs, Circuit Judge, held that any novelty or perceived futility of a claim under Blakely was not good cause for...

Negative treatment: [Most recent](#) [Distinguished \(1\)](#) [All \(3\)](#)



### 2. [CSX Transp., Inc. v. Bickerstaff](#)

Court of Special Appeals of Maryland. • August 26, 2009 • 187 Md.App. 187 • 978 A.2d 760

Depth of discussion ■■■□□□

📅 10+ years

- ▼ Disagreed With by [CSX Transp., Inc. v. Pitts](#) Md. February 28, 2013  
\* \* \* (Defense Counsel): It's in his letter. The Court: At the moment the answer is-I will change to overrule and allow that question and answer, which is yes. The problem is going to be what you do as the follow-up.

Negative treatment: [Most recent](#) [Distinguished \(0\)](#) [All \(2\)](#)



### 3. [Saumur v. Robles](#)

United States Court of Appeals, Ninth Circuit. • May 08, 2003 • 65 Fed.Appx. 132 • 2003 WL 21054742

Depth of discussion ■■■□□□

🔔 Infrequently cited  
📅 10+ years

- ▼ Overruling Risk [Pearson v. Callahan](#) U.S. January 21, 2009  
*A case you cited has potentially been negatively impacted by events or decisions in other litigation or proceedings.*  
  
[Saumur v. Robles](#) United States Court of Appeals, Ninth Circuit. May 08, 2003  
...In order to sustain their claim against the officers who executed the warrant, the Saumurs must show that, viewing the facts as alleged "in the light most favorable to the plaintiffs, . the officers' conduct violated a constitutional right." Ganwich v. Knapp, 319 F.3d 1115, 1119 (9th Cir.2003) (citing Saucier v. Katz, 533 U.S. 194, 201, 121 S.Ct. 2151, 150 L.Ed.2d 272 (2001)). Because the warrant in this case was supported by probable cause, the officers' conduct in this case did not violate any constitutional right. See United States v. Vesikuru, 314 F.3d 1116, 1124 (9th Cir.2002). The officers who executed the warrant were therefore entitled to qualified immunity. Although the ...  
  
[Pearson v. Callahan](#) U.S. January 21, 2009  
...While Saucier's two-step sequence for resolving government officials' qualified immunity claims, whereby court must decide (1) whether facts alleged or shown by plaintiff make out violation of constitutional right, and (2) if so, whether that right was clearly established at time of defendant's alleged misconduct, is often appropriate, courts may exercise...



### 4. [Daubert v. Merrell Dow Pharmaceuticals, Inc.](#)

Supreme Court of the United States • June 28, 1993 • 509 U.S. 579 • 113 S.Ct. 2786

Depth of discussion ■■■□□□

📅 10+ years

- ▼ Superseded by Statute as Stated in [People v. Kiriakus](#) Mich.App. December 29, 2022  
...facts of the case."MRE 702 The trial court must also ensure that the expert's testimony is relevant. People v McFarlane, 325 Mich App 507, 518; 926 NW2d 339 (2018)Defendant first faults his trial counsel for failing to object to Garza's qualifications as an expert or otherwise requesting a [Daubert](#) 3 hearing on the issue. Defendant notes that Garza had never previously been qualified as an expert and argues that he knew nothing about cell-phone-tower mapping. According to defendant, his trial counsel's failure to challenge Garza's status as an expert forced defendant "to defend against unreliable junk science...

Negative treatment: [Most recent](#) [Distinguished \(86\)](#) [All \(313\)](#)



#### 5. [Vaught v. Scottsdale Healthcare Corp. Health Plan](#)

United States Court of Appeals, Ninth Circuit. • September 29, 2008 • 546 F.3d 620 • 2008 WL 4380616

Depth of discussion ■■■□□

📅 10+ years

- ▼ Abrogation Recognized by [Greiff v. Life Insurance Company of North America](#) D.Ariz. July 5, 2019  
...participant or beneficiary to exhaust administrative remedies prior to filing suit, but federal courts have held, based on ERISA's text and legislative history, that "an ERISA plaintiff claiming a denial of benefits must avail himself or herself of a plan's own internal review procedures before bringing suit in federal court." [Vaught v. Scottsdale Healthcare Corp. Health Plan](#), 546 F.3d 620, 626 (9th Cir. 2008) (internal quotation omitted). Under Ninth Circuit precedent, ERISA's court-created exhaustion requirement applies only if the relevant plan requires exhaustion. *Spinedex Physical Therapy USA Inc. v. United Healthcare of Ariz., Inc.*, 770 F.3d 1282, 1299...

Negative treatment: [Most recent](#) [Distinguished \(3\)](#) [All \(5\)](#)



#### 6. [McDonough v. State Farm Fire and Casualty Company](#)

United States District Court, E.D. Pennsylvania. • February 07, 2019 • 365 F.Supp.3d 552 • 2019 WL 480139 [🔗](#)

Depth of discussion ■■■□□

- ▼ Declined to Follow by [Hollenshead v. New Penn Financial, LLC](#) E.D.Pa. March 18, 2020  
...Werwinski is no longer necessary. Numerous district court opinions have concluded that district courts remain bound by Third Circuit decisions unless either the Third Circuit or the Pennsylvania Supreme Court rules otherwise. See, e.g. *Bordoni v. Chase Home Finance LLC*, 374 F. Supp. 3d 378, 385–86 (E.D. Pa. 2019) [McDonough v. State Farm Fire & Cas. Co.](#), 365 F. Supp. 3d 552, 560 (E.D. Pa. 2019) (citing *Powell v. Saint Joseph's Univ.*, No. 17-4438, 2018 WL 994478, at \*10 (E.D. Pa. Feb. 16, 2018) *Yamarick v. UNUM Grp.*, No. 16-6164, 2017 WL 3008751, at \*3–4 (E.D. Pa. July...

Negative treatment: [Most recent](#) [Distinguished \(0\)](#) [All \(2\)](#)



#### 7. [Zaloga v. Provident Life and Acc. Ins. Co. of America](#)

United States District Court, M.D. Pennsylvania. • November 24, 2009 • 671 F.Supp.2d 623 • 2009 WL 4110320

Depth of discussion ■■■□□

📅 10+ years

- ▼ Declined to Follow by [Tatum v. Progressive Specialty Insurance Company](#) E.D.Pa. June 23, 2025  
...good faith and fair dealing when the bad faith claim arises out of contract rather than tort law. See ECF No. 59-1 at 7–8 (citing *Porter v. Safeco Ins. Co. of Ill.*, No. 3:15-CV-759, 2016 WL 556706, at \*5 (M.D. Pa. Feb. 9, 2016), and [Zaloga v. Provident Life & Accident Ins. Co. of Am.](#), 671 F. Supp. 2d 623, 629 (M.D. Pa. 2009) This Court declines to follow these non-binding decisions, given that the Pennsylvania Legislature has created a statutory cause of action applicable to UIM claims and the Pennsylvania Supreme Court has made clear...

Negative treatment: [Most recent](#) [Distinguished \(2\)](#) [All \(3\)](#)



#### 8. [Ashcroft v. Iqbal](#)

Supreme Court of the United States • May 18, 2009 • 556 U.S. 662 • 129 S.Ct. 1937

Depth of discussion ■■■■□

📅 10+ years

- ▼ Not Followed as Dicta [Feibush v. Johnson](#) E.D.Pa. November 30, 2017  
...until the qualified immunity issue is decided. See also *Galarza v. Szalczyk*, 2012 WL 627917 (E.D. Pa. 2012) (refusing to grant stay of discovery where other claims will proceed regardless of the outcome of a qualified immunity defense and where defendants are not unduly burdened by discovery). Johnson asserts that [Ashcroft v. Iqbal](#), 556 U.S. 662, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009) requires a stay of discovery in the present matter against all defendants, including the Philadelphia Land Bank and the City of Philadelphia. The Court, in [Ashcroft](#), stated that "[i]t is quite likely that, when discovery as to...

Negative treatment: [Most recent](#) [Distinguished \(117\)](#) [All \(280\)](#)



#### 9. [Medellín v. Texas](#)

Supreme Court of the United States • March 25, 2008 • 552 U.S. 491 • 128 S.Ct. 1346

Depth of discussion ■■■□□

📅 10+ years

- ▼ Not Followed as Dicta [Amara v. U.S.](#) D.Md. July 22, 2010  
...Circuit has stated in *United States v. Al-Hamdi* that the Vienna Convention likely does not create individual rights.2 See 356 F.3d 564, 574 n. 13 (4th Cir.2004)"[N]o court has ever held that the Vienna Convention creates individual rights."FN2. The Supreme Court recently noted in [Medellín v. Texas](#) that the "presumption is that international agreements, even those directly benefiting private persons, generally do not create private rights or provide for a private cause of action in domestic courts," but assumed, without deciding, that the Vienna Convention granted the petitioner individual rights. 552 U.S. 491, 506 n...

Negative treatment: [Most recent](#) [Distinguished \(10\)](#) [All \(13\)](#)



#### 10. [Crawford v. Marion County Election Bd.](#)

Supreme Court of the United States • April 28, 2008 • 553 U.S. 181 • 128 S.Ct. 1610

Depth of discussion

10+ years

- ▼ Not Followed on State Law Grounds [Montana Democratic Party v. Jacobsen](#) Mont. March 27, 2024  
...test now often gives undue deference to state legislatures so as not to "transfer much of the authority to regulate election procedures from the States to the federal courts." *Brnovich v. Democratic Nat'l Comm.*, — U.S. —, 141 S. Ct. 2321, 2341, 210 L.Ed.2d 753 (2021) (emphasis added); see also, e.g. [Crawford v. Marion County Election Bd.](#), 553 U.S. 181, 204–05, 128 S. Ct. 1610, 1624–25, 170 L.Ed.2d 574 (2008) (Scalia, J., concurring) (proposing a deferential standard of review unless the law is "so burdensome [on the right to vote] as to be virtually impossible to satisfy," which would...

Negative treatment: [Most recent](#) [Distinguished \(30\)](#) [All \(48\)](#)



#### 11. [Bell Atlantic Corp. v. Twombly](#)

Supreme Court of the United States • May 21, 2007 • 550 U.S. 544 • 127 S.Ct. 1955

Depth of discussion

10+ years

- ▼ Not Followed on State Law Grounds [Combs v. ICG Hazard, LLC](#) E.D.Ky. March 21, 2013  
...pleading rules govern in the fraudulent joinder context. Plaintiffs contend that the Court should apply Kentucky Rule of Civil Procedure 8.01 see D.E. 18 at 3–7, while Defendants argue that Federal Rule of Civil Procedure 8(a) governs, see D.E. 11 at 4. The Supreme Court's decisions in [Bell Atl. Corp. v. Twombly](#), 550 U.S. 544, 127 S.Ct. 1955, 167 L.Ed.2d 929 (2007) , and *Ashcroft v. Iqbal*, 556 U.S. 662, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009), fleshed out what a plaintiff must plead to survive a motion to dismiss under Federal Rule of Civil Procedure 12...

Negative treatment: [Most recent](#) [Distinguished \(150\)](#) [All \(334\)](#)



#### 12. [McTernan v. City of York, PA](#)

United States Court of Appeals, Third Circuit. • April 27, 2009 • 564 F.3d 636 • 2009 WL 1111097

Depth of discussion

10+ years

- ▼ Declined to Extend by [Groark v. Timek](#) D.N.J. November 27, 2013  
...argument that plaintiff's discovery motion should be denied because plaintiff did not plead a proper Monell claim is also meritless. See LB at 2 "[T]he production of the internal affairs files should not be compelled because Plaintiff failed to satisfy the pleading requirement for his § 1983 claim." Citing to [McTernan v. City of York, PA](#), 564 F.3d 636 (3d Cir.2009) , Atlantic City argues that plaintiff's complaint is deficient and, therefore, its motion should be denied. However, now is not the time or context to address the adequacy of plaintiff's pleading. Atlantic City had the opportunity to challenge the...

Negative treatment: [Most recent](#) [Distinguished \(7\)](#) [All \(8\)](#)



#### 13. [Exxon Shipping Co. v. Baker](#)

Supreme Court of the United States • June 25, 2008 • 554 U.S. 471 • 128 S.Ct. 2605

Depth of discussion

10+ years

- ▼ Declined to Extend by [Washington v. Gilmore](#) 3rd Cir.(Pa.) December 18, 2024  
...Court properly rejected both claims. A. Exxon does not limit punitive damages under § 1983 Oswald argues that federal common law limits punitive damages in § 1983 suits. And he contends that the Supreme Court's decision in a maritime-tort case creates a federal-common-law limit that applies here. [Exxon Shipping Co. v. Baker](#), 554 U.S. 471, 128 S.Ct. 2605, 171 L.Ed.2d 570 (2008) That claim misses the mark. [9] True, "Congress intended § 1983 to be construed in the light of common-law principles." *Rehberg v. Paulk*, 566 U.S. 356, 361–62, 132 S.Ct. 1497, 182 L.Ed.2d...

Negative treatment: [Most recent](#) [Distinguished \(38\)](#) [All \(57\)](#)



#### 14. [Weyerhaeuser Co. v. Ross-Simmons Hardwood Lumber Co., Inc.](#)


Supreme Court of the United States • February 20, 2007 • 549 U.S. 312 • 127 S.Ct. 1069

Depth of discussion

10+ years

- ▼ Declined to Extend by [Cascade Health Solutions v. PeaceHealth](#) 9th Cir.(Or.) February 1, 2008  
...structure of the alleged predator, and so represents competition on the merits, or is beyond the practical ability of a judicial tribunal to control without courting intolerable risks of chilling legitimate price-cutting." *Id.* accord *Matsushita*, 475 U.S. at 594, 106 S.Ct. 1348 The Court recently reemphasized these principles in [Weyerhaeuser Co. v. Ross-Simmons Hardwood Lumber Co.](#), — U.S. —, 127 S.Ct. 1069, 1078, 166 L.Ed.2d 911 (2007) , a case in which the Court held that Brooke Group's below-cost pricing requirement applies in cases in which the plaintiff alleges that the defendant engaged in predatory bidding—the practice of bidding...

Negative treatment: [Most recent](#) [Distinguished \(6\)](#) [All \(8\)](#)

-  15. [Laurence Wolf Capital Management Trust v. City of Ferndale](#)  
United States Court of Appeals, Sixth Circuit. • April 10, 2003 • 61 Fed.Appx. 204 • 2003 WL 1875554  
Depth of discussion 

 10+ years

- ▼ Declined to Extend by [Omnipoint Holdings, Inc. v. City of Southfield](#) 6th Cir.(Mich.) January 15, 2004  
...the reasons for denial are contained in the discussion of the resolution but not in the resolution itself. Such reasoning allows a city council or zoning board to simply issue its decision through its meeting minutes. I do not believe that New Par or the TCA authorize this result. In [Laurence Wolf](#), this court found that meeting minutes were not separate from the written record when they discussed other board matters. Here, the minutes discussed many other matters. Indeed, the denial in [Laurence Wolf](#) was issued in the same fashion as the denial in this case: [t]he board did not issue...

-  16. [Citizens United v. Federal Election Com'n](#)  
Supreme Court of the United States • January 21, 2010 • 558 U.S. 310 • 130 S.Ct. 876  
Depth of discussion 



 10+ years

- ▼ Called into Doubt by [Rio Grande Foundation v. Oliver](#) D.N.M. March 29, 2024  
...In the specific context of electoral disclosure laws, Supreme Court and Tenth Circuit precedent forecloses RGF's argument that strict scrutiny applies. The Supreme Court first enunciated the exacting scrutiny standard in *Buckley*, a campaign finance case, and it continued to invoke it in other election-related settings, such as in [Citizens United v. Federal Election Com'n](#), 558 U.S. 310, 366-67, 130 S.Ct. 876, 175 L.Ed.2d 753 (2010) Bonta, 141 S.Ct. at 2383 The Tenth Circuit likewise adheres to this precedent in applying exacting scrutiny to campaign disclosure requirements. See, e.g. *Wyoming Gun Owners v. Gray*, 83 F.4th 1224...



Negative treatment: [Most recent](#) [Distinguished \(100\)](#) [All \(138\)](#)

-  17. [Rosenthal v. American States Insurance Company](#)  
United States District Court, M.D. Pennsylvania. • March 26, 2019 • Not Reported in Fed. Supp. • 2019 WL 1354141 [🔗](#)  
Depth of discussion 

- ▼ Distinguished by [Houston v. GEICO Advantage Insurance Company](#) W.D.Pa. January 27, 2023  
...any explanation as to why it had not made an offer or evaluation of the claim); Padilla, 31 F.Supp.3d at 676 (alleging that plaintiff made several requests for an evaluation of the plaintiff's claim over the span of six months, yet defendant insurance carrier failed to respond); See also [Rosenthal v. American States ins. Co.](#), 2019 WL 1354141, at \*5 (M.D. Pa. Mar. 26, 2019) (when "courts have found allegations that a defendant insurer failed to communicate with a plaintiff policyholder regarding a claim to be a sufficient basis for a bad faith claim, the complaints at issue alleged specific...

-  18. [Kosmalski v. Progressive Preferred Insurance](#)  
United States District Court, E.D. Pennsylvania. • May 02, 2018 • Not Reported in Fed. Supp. • 2018 WL 2045827 [🔗](#)  
Depth of discussion 

- ▼ Distinguished by [Risk v. LM General Insurance Company](#) E.D.Pa. March 14, 2024  
...2020) (involving a stolen vehicle, not a UIM claim, in which defendant insurance company took plaintiff's statement under oath before issuing its decision); compare also (ECF No. 1-3 (Complaint includes specific facts regarding LM's inadequate communications with Plaintiffs, failure to investigate, and failure to make any settlement offer)), with [Kosmalski v. Progressive Preferred Insurance](#), 2018 WL 2045827, at \*2 (E.D. Pa. 2018) (noting that complaint lacked facts regarding plaintiff's "insurance claim and the accompanying investigation, negotiations, or communications in support of the contention" of bad faith). Rather, *Baum v. Metropolitan Property and Casualty Co.* is more factually similar to the...

-  19. [Lindsay v. Yates](#)  
United States Court of Appeals, Sixth Circuit. • August 21, 2009 • 578 F.3d 407 • 2009 WL 2568196  
Depth of discussion 

 10+ years

- ▼ Distinguished by [Hollis v. Chestnut Bend Homeowners Ass'n](#) 6th Cir.(Tenn.) July 29, 2014  
...was immaterial to its analysis; in its view, all FHA claims "are to be analyzed using the three-part evidentiary standard set forth by the Supreme Court for employment discrimination cases in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 [93 S.Ct. 1817, 36 L.Ed.2d 668] (1973)Id. (citing [Lindsay v. Yates](#), 578 F.3d 407, 414-15 (6th Cir.2009) *Mencer v. Princeton Square Apartments*, 228 F.3d 631, 634 (6th Cir.2000)"On summary judgment, this burden-shifting scheme first requires that the plaintiff present evidence from which a reasonable jury could conclude that there exists a prima...

Negative treatment: [Most recent](#) [Distinguished \(3\)](#) [All \(3\)](#)



20. [Ervin v. Continental Conveyor & Equipment Co., Inc.](#)

United States District Court, D. South Carolina, Florence Division. • July 23, 2009 • 674 F.Supp.2d 709 • 2009 WL 4895559

Depth of discussion ■■■□□

📅 10+ years

▼ Distinguished by [Lane v. New Gencoat, Inc.](#) D.S.C. January 6, 2022

...the wiring and hosing and everything it's pretty much affixed?A. Right.(ECF No. 146-10 at 9:15-10:7.)Therefore, upon its consideration of the foregoing record, the court is persuaded that the shuttle coater is permanent for CSI's property and constitutes an improvement to real property. Contra [Ervin v. Cont'l Conveyor & Equip. Co., 674 F. Supp. 2d 709, 720 \(D.S.C. 2009\)](#) "[T]he conveyor system in this case is not only capable of being moved, but was actually disassembled and moved to a new location. That fact is important. It is undisputed that the system was disassembled in 1994...



21. [Kramer v. Paul Revere Life Ins. Co.](#)

United States Court of Appeals, Sixth Circuit. • April 08, 2009 • 571 F.3d 499 • 2009 WL 928573

Depth of discussion ■■■□□

📅 10+ years

▼ Distinguished by [Godmar v. Hewlett-Packard Co.](#) 6th Cir.(Mich.) December 9, 2015

...first challenges Sedgwick's decision to deny his claim after approving one month of benefits. Sedgwick's decision was arbitrary and capricious, he argues, because it reversed the initial disability determination without evidence that his condition had improved. We disagree.Godmar relies on two cases addressing the cancellation of approved benefits. In [Kramer v. Paul Revere Life Insurance Co., 571 F.3d 499 \(6th Cir.2009\)](#), we held that a plan administrator's decision to terminate benefits was arbitrary and capricious because the administrator offered "no explanation for the decision to cancel benefits that had been paid for some five years based upon the...

Negative treatment: [Most recent](#) [Distinguished \(8\)](#) [All \(8\)](#)



22. [North River Ins. Co. v. Mayor and City Council of Baltimore](#)

Court of Appeals of Maryland. • August 01, 1996 • 343 Md. 34 • 680 A.2d 480

Depth of discussion ■■■□□

📅 10+ years

▼ Distinguished by [Sindler v. Litman](#) Md.App. December 2, 2005

...mistaken that there was a July cutoff date, on the record, with respect to the deposition of Ms. Sindler and the agreed date on which it was scheduled.The mistakes were not material to the court's reasoning, however, and therefore, the principal case upon which appellants rely is distinguishable. In [North River Ins. Co. v. Mayor and City Council of Baltimore, 343 Md. 34, 62-63, 680 A.2d 480 \(1996\)](#), the trial judge dismissed the case based on a violation of an order to produce privileged documents. The Court of Appeals reversed, finding that the trial court's dismissal was based...

Negative treatment: [Most recent](#) [Distinguished \(2\)](#) [All \(2\)](#)



23. [Reeves v. Stoddard](#)

United States District Court, E.D. Michigan, Southern Division. • February 21, 2019 • Not Reported in Fed. Supp. • 2019 WL 764353 [27](#)

Depth of discussion ■■■□□

🔔 Infrequently cited



24. [Lane v. McLean](#)

United States District Court, M.D. Pennsylvania. • March 29, 2018 • Not Reported in Fed. Supp. • 2018 WL 1545588 [28](#)

Depth of discussion ■■■□□

🔔 Infrequently cited



25. [Pasqualino v. State Farm Mut. Auto. Ins. Co.](#)

United States District Court, E.D. Pennsylvania. • May 28, 2015 • Not Reported in F.Supp.3d • 2015 WL 3444288 [29](#)

Depth of discussion ■■■□□

📅 10+ years



26. [Mozzo v. Progressive Ins. Co.](#)

United States District Court, E.D. Pennsylvania. • January 05, 2015 • Not Reported in F.Supp.3d • 2015 WL 56740 [30](#)

Depth of discussion ■■■□□

📅 10+ years



- ☐
27. [American Southern Ins. Co. v. Buckley](#)

United States District Court, E.D. Texas, Beaumont Division. • September 28, 2010 • 748 F.Supp.2d 610 • 2010 WL 3834001

Depth of discussion

10+ years
- ☐
28. [National Association for the Advancement of Colored People v. North Hudson Regional Fire & Rescue](#)

United States District Court, D. New Jersey. • September 21, 2010 • 742 F.Supp.2d 501 • 2010 WL 3810632

Depth of discussion

10+ years
- ☐
29. [U.S. v. Divine](#)

United States District Court, W.D. Virginia, Charlottesville Division. • July 20, 2010 • 724 F.Supp.2d 590 • 2010 WL 2836378

Depth of discussion

10+ years
- ☐
30. [Camden Nat. Bank v. Steamship Navigation Co.](#)

Supreme Judicial Court of Maine. • April 01, 2010 • 991 A.2d 800 • 2010 WL 1236299

Depth of discussion

10+ years
- ☐
31. [Zirinsky v. Zirinsky](#)

Appellate Court of Connecticut. • February 08, 2005 • 87 Conn.App. 257 • 865 A.2d 488

Depth of discussion

10+ years
- ☐
32. [U.S. v. Lutz](#)

United States Court of Appeals, Fourth Circuit. • January 29, 2003 • 56 Fed.Appx. 133 • 2003 WL 187194

Depth of discussion

10+ years