

**U.S. DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI**

**ATT: The Honorable District Judge Halil S. Ozerden
RE: Defendants Motion of Partial Summary Judgment**

**TEXT ONLY ORDER RESPONDING TO DEFENDANTS MOTION FOR PARTIAL SUMMARY
JUDGMENT**

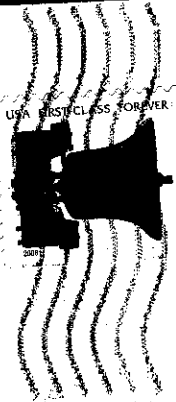
The Plaintiffs, [REDACTED] prays to the Court to NOT request the Defendant's motion to dismiss Count 2 – Punitive damages for lack of timely response to settling our claim for re-imbursement due to damages to our business – The Stink Shak -.

It is the firm belief of the Plaintiff's in this case that State Farm has continue to request for already submitted information in an effort to discourage us from pursuing this litigation. For example:

1. We were subjected to a 6 hour deposition in which State Farm representatives repeatedly address the issue of wind vs. water. All forms and photographs were viewed and answered to the best of our ability and under oath. We, the Plaintiffs believe that this line of questioning is mote since The Stink Shak has been satisfactorily compensated for the damage caused by Hurricane Katrina.
2. In phone conversations with Attorney Ryan A. Frederic we suggested that we would move to dismiss Count 2 pursuant to an acceptable offer to cover "loss of income", a clause in our policy that states we are entitled to 1 year's compensation. Due to untimely compensation on property loss, we were unable to re-open our store until 18 months after the storm.
3. We were hopeful that mediation would resolve the issue and clear the docket of The Court of this trivial litigation. We made an attempt to lower our offer from \$55,000 to \$40,000. Plaintiff's denied our offer and the Mediator suggested we get an attorney due to the complexity of the Court's procedures. It is not feasible to attain an attorney for an amount equal to our loss.
4. We have submitted to the Defendants, a complete history of sales and overhead for the 8 months preceding the storm and the 4 months after re-opening. I arrived at \$55,000 by adding the gross sales and subtracting overhead of rent, utilities, insurance, and sales taxes. Plaintiffs only addresses our income tax forms which of course, shows a loss. A small business has many allowable deductions but those amounts are discrenatory and drawn from the net account as we see fit.
5. Lastly, I beg the Court to be tolerant of our ignorance. If it is the Court's will to dismiss this case due to lack of proper format, then let it be. I, [REDACTED] worked in the Municipal Court in California for 18 years and have the up most respect for the system and those who participate in upholding the law. Thank you, your Honor. Please contact me if you need further information.

Sincerely,

[REDACTED]



GULFPORT MS 395
16 JUN 2009 PM 2 L

THE HONORABLE
AYALIL SULEYMAN OBERDEN
U.S. DISTRICT JUDGE
U.S. STATE DISTRICT COURT
SOUTHERN DISTRICT OF MS.
9013 - 15TH ST.

Handwritten signature: *Yusef A. ...*

295013209A

THE STINK SHAK
714B HWY 90
WAVELAND, MS. 39576
THE COAST'S MOST UNIQUE STORE