

**IN THE SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

NATIONAL ASSOCIATION OF)	
STATE FARM AGENTS, INC.,)	
)	
Plaintiff,)	C.A. No. 02ca0004089
)	Calendar 7
vs.)	Judge Neal E. Kravitz
)	
STATE FARM MUTUAL)	
AUTOMOBILE INSURANCE)	
COMPANY, et al.,)	
)	
Defendants.)	

PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT

Pursuant to Superior Court Civil Rules 12-I(K) and 56, Plaintiff National Association of State Farm Agents, Inc. (“NASFA”) hereby moves for summary judgment on its Complaint. NASFA is entitled to summary judgment for the reasons set forth in the accompanying Plaintiff’s Memorandum of Law, Plaintiff’s Statement of Undisputed Facts, the Affidavit of David Swift, and the evidence from documents and deposition excerpts submitted herewith, in a binder attached to the Affidavit of W. Michael Garner.

As envisioned by the Court’s Order governing the parties’ summary judgment briefing, NASFA’s Memorandum combines its arguments in favor of its motion for summary judgment with its arguments in opposition to the motion of State Farm for summary judgment.

As required by Local Rule 12-I(K), in addition to NASFA’s above-referenced Plaintiff’s Statement of Undisputed Facts, NASFA also files today Plaintiff’s Response to State Farm’s Statement of Undisputed Facts, responding to each and every one of State

Farm's alleged undisputed facts. Where the facts are undisputed, NASFA so states, and where they are not, it so states, and cites record evidence to verify the genuine dispute of material fact.

NASFA submits that, on the basis of the actual undisputed material facts, its motion for summary judgment should be granted and State Farm's motion should be denied. Plaintiff's proposed Order is also filed herewith.

WHEREFORE, NASFA respectfully requests that summary judgment in Plaintiff's favor be granted as to each and every count of the Complaint.

DATED: June 7, 2004.

NEUBERGER, QUINN, GIELEN,
RUBIN & GIBBER, P.A.

By _____

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-and-

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF COMPLIANCE WITH SUPER.CT.CIV.R.12-I(a)

Pursuant to Super.Ct.Civ.R. 12-I(a), the undersigned hereby certifies that he conferred with counsel for Defendants concerning Plaintiff's Motion for Summary Judgment, and that counsel for Defendants did not consent to such motion.

Allan P. Hillman

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of June 2004, a true and correct copy of:

1. Plaintiff's Motion for Summary Judgment;
2. Plaintiff's Memorandum of Law in Opposition to State Farm's Motion for Summary Judgment and in support of NASFA's Motion for Summary Judgment;
3. Plaintiff's Statement of Undisputed Facts in Support of their Motion for Summary Judgment;
4. Affidavit of David Swift;
5. Affidavit of W. Michael Garner (with attached Exhibit Binder);
6. Plaintiff's Response to Defendant's Statement of Undisputed Material Facts in Support of their Motion for Summary Judgment;
and
7. Proposed Order Granting Plaintiff's Motion for Summary Judgment and Denying Defendants' Motion for Summary Judgment

were served upon the following attorneys of record for Defendant herein, by Federal

Express:

Paul Reichler, Esquire
Lawrence H. Martin, Esquire
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