

**IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION**

**LORI MADEJA and DAVID MADEJA,**            )  
**husband and wife,**                            )

**Plaintiffs,**                                        )

**vs.**    )

**STATE FARM MUTUAL AUTOMOBILE**        )  
**INSURANCE COMPANY,**                        )

**Defendant.**                                     )

**No. 5493 OF 2016**

**ORDER OF COURT**

AND NOW, to wit this 11th day of April, 2017, in reference to Defendant's Motion to Sever and Stay Bad Faith Claim; with counsel for both parties appearing and providing argument to the Court; with counsel for both parties submitting documentation in support of their positions; with this Court reviewing the matter; with Defendant seeking to stay the bad faith claims and sever them from the underlying UIM claim for both discovery and trial purposes; with Plaintiffs' pleading a claim for common law bad faith, which requires a jury trial, and statutory bad faith, which requires a non-jury trial; with Defendant relying on prior rulings by Judge McCormick and Judge Regoli granting defense requests to sever bad faith claims from UIM claims, but with no indication that those cases involved a claim by Plaintiffs for common law bad faith or a request for a jury trial on the issue of common law bad faith as exists in the current matter; with this Court finding that the UIM claim and the two bad faith claims should be heard separately, but that Plaintiffs are entitled to a jury hearing the common law bad faith claim; with this Court further finding that severing the discovery would prejudice the Plaintiffs in that they would have to present a second trial to a

second jury; upon careful consideration, it is hereby ORDERED, ADJUDGED and  
DECREED that

1. Defendant's Motion to Sever and Stay, in relation to discovery of documentation relating to the bad faith claims, is DENIED. Discovery shall be ongoing as to the UIM claim, the common law bad faith claim, and the statutory bad faith claim.
2. Defendant's Motion to Sever, in relation to separating the UIM claim and both bad faith claims for the purpose of trial, is GRANTED. The UIM claim shall be tried before a jury first. After return of the verdict on the UIM claim, if necessary, the common law bad faith claim and the statutory bad faith claim shall be heard immediately, with the same jury that determined the UIM claim determining the common law bad faith claim and with the Court determining the statutory bad faith claim.

BY THE COURT

Chris Scheun J.

ATTEST:

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cc: James C. Haggerty, Esq., counsel for Plaintiff  
Daniel L. Rivetti, Esq., counsel for Defendant