IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RONALD HABERMEHL, et al.,

Plaintiffs,

v.

AUTO CLUB FAMILY INSURANCE COMPANY, et al.,

Defendants. **Case No. 12-cv-230-DRH-DGW**

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

Pending before the Court are defendant Auto Club Family Insurance's (Auto Club) motions to dismiss counts I, II, IV, V, and VI of plaintiffs' amended complaint (Doc. 35) and to strike plaintiffs' punitive damages request (Doc. 36). As Auto Club filed its motion to dismiss on September 25, 2012, plaintiffs had until October 29, 2012, to timely file a response. *See* SDIL-LR 5.1(c), 7.1(c). Plaintiffs failed to do so. Additionally, as Auto Club filed its motion to strike plaintiffs' punitive damages request on September 25, 2012, plaintiffs had until October 12, 2012, to timely respond. *See* SDIL-LR 5.1(c), 7.1(g). Again, plaintiffs did not respond.

The Court considers plaintiffs' failure to respond to Auto Club's motions as admissions of their merits. SDIL-LR 7.1(c), 7.1(g). Accordingly, Auto Club's

motion to dismiss counts I, II, IV, V, and VI of plaintiffs' amended complaint (Doc. 35) is **GRANTED**. Thus, counts I, II, IV, V, and VI of plaintiffs' amended complaint are **dismissed without prejudice**. As to Auto Club's request that plaintiffs' punitive damages request be stricken from counts I, III, and V (Doc. 36), this motion is **GRANTED in part**. As the instant Order dismisses plaintiffs' counts I and V, Auto Club's requests as to those counts is rendered **MOOT**. Auto Club's request that plaintiffs' punitive damages request be stricken from count III is **GRANTED**.

IT IS SO ORDERED.

Signed this 6th day of November, 2012.

Chief Judge
United States District Court