

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 12-31064

United States Court of Appeals
Fifth Circuit

FILED

May 29, 2015

Lyle W. Cayce
Clerk

DANNY KELLY,

Plaintiff - Appellant

v.

STATE FARM FIRE & CASUALTY COMPANY,

Defendant - Appellee

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:09-CV-619

Before HIGGINBOTHAM, CLEMENT, and PRADO, Circuit Judges.

PER CURIAM:*

Plaintiff-appellant Danny Kelly appealed the district court's grant of summary judgment to defendant-appellee State Farm Fire & Casualty Company ("State Farm"). We certified two dispositive questions of state law to the Supreme Court of Louisiana. *Kelly v. State Farm Fire & Cas. Co.*, 582 F. App'x 290 (5th Cir. 2014) (per curiam). The Supreme Court of Louisiana answered these two questions in a thorough opinion. *Kelly v. State Farm Fire*

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 12-31064

& Cas. Co., __ So. 3d __, No. 2014-CQ-1921, 2015 WL 2082540 (La. May 5, 2015). Among other things, this opinion undermines the district court's determination that Kelly's claims were precluded because State Farm never received a firm settlement offer. Accordingly, we VACATE the judgment of the district court and REMAND for further proceedings consistent with the opinion of the Supreme Court of Louisiana.