

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

No. 16-15470-AA

PARKER AUTO BODY, INC., et al.

Plaintiffs - Appellants,

v.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, et al.,

Defendants - Appellees.

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

MOTION TO REINSTATE APPEAL

ALLISON P. FRY
JOHN ARTHUR EAVES, JR.
Attorneys for Plaintiff - Appellant
John Arthur Eaves Law Offices
101 North State Street
Jackson, Mississippi 39201
Telephone: (601) 355-7961

CERTIFICATE OF INTERESTED PARTIES

Pursuant to Eleventh Circuit Rule 26.1-1, Appellants attached hereto their Certificate of Interested Parties. Due to the length of the Certificate, Appellants attach the same as Appendix 1 to this motion.

MOTION TO REINSTATE APPEAL

Pursuant to Eleventh Circuit Rules 42-2(e), 27-1(c)(10) and 27(b)(2), Appellants in the above-captioned consolidated appeal move the Court for reinstatement of the appeal and state to the Court the following:

1. Several related cases are pending before this Court. At the commencement of the first such case, Appellants' counsel contacted the Eleventh Circuit Clerk's Office requesting specific instructions regarding the filing of appendices. The same clerk's representative twice told counsel the appendix could be filed at any time, usually within seven to ten days but no more than two weeks after the filing of the brief.

2. Appellants specifically relied upon this direction in filing their Appendix in this cause after timely filing their principal brief. After so relying, the Appellants' appeal was dismissed for lack of prosecution specifically for failing to timely file the appendix.

3. Based upon these circumstances, Appellants respectfully request the Court reinstate the appeal.

4. Appellants request this motion be treated as a time sensitive matter. The Appellees have had possession of the Appellants' brief for some time and a delay of several weeks will unduly advantage Appellees by allowing additional time to prepare their response not available to the Appellants. Record references within the

Appellants' brief are all to orders and pleadings of the district court, which the Appellees already have in their possession. Delay in filing the appendix has in no way deprived Appellees of information required to properly frame a response brief. Further the Appendix has been filed simultaneous with this motion.

5. This motion is filed within seven (7) days of the dismissal notice. Pursuant to local rule, counsel has notified Hal K. Litchord, Esq., Appellees' liaison counsel of the filing of this motion.

Respectfully submitted, this the 14th day of October, 2016.

Respectfully submitted,

/s/ Allison P. Fry
ALLISON P. FRY
JOHN ARTHUR EAVES, JR.
Attorneys for Plaintiff - Appellant
John Arthur Eaves Law Offices
101 North State Street
Jackson, Mississippi 39201
Telephone: (601) 355-7961

CERTIFICATE OF SERVICE

I hereby certify that on this the 14th day of October, 2016, I electronically filed the Plaintiffs-Appellants Motion to Reinstate Appeal with the Clerk of the Court.

/s/ Allison P. Fry
ALLISON P. FRY

APPENDIX

CERTIFICATE OF INTERESTED PERSONS

21st Century Centennial Insurance Company

21st Century North American Insurance Company

Adams Collision, LLC

Advantage Collision Center Inc.

AIG Property Casualty Company

Alexander, Kevin David

Alliant Insurance Service Company

Allianz Group

Allstate Fire & Casualty Insurance Company

Allstate Corporation (NYSE: ALL)

Allstate Indemnity Company

Allstate Insurance Company

Allstate Property and Casualty Company

Alston & Bird, LLP

America First Insurance Company

American International Group, Inc. (NYSE: AIG)

American National General Insurance Company

American National Insurance Company

American National Property & Casualty Company.

Antleys Collision & Repair Center, LLC

Auto Body Specialists, Inc.

Axinn, Veltrop & Harkrider, LLP

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC

Baker & Hostetler, LLP

Barthel, David John

Battery Warehouse of Natchitoches Inc., d/b/a Tony's Body Shop

Beck, Norman K.

Beekhuizen, Michael

Berkshire Hathaway Group (NYSE: BRK-A AND/OR BRK-B)

Bernard, Cassica Elliot & Davis

Best, Robert Bradley

Besvinick, Laura E.

Bobbys Paint & Body Shop & Auto Sales, LLC

Body By Cook, Inc.

Bonk, Jason B.

Botti, Mark J.

Bradshaws Body Shop Inc.

Breithaupt Dunn

Brileys Paint & Body Inc.

Brouillettes Paint & Body, LLC

C & C Automotive, LLC, d/b/a Miles Paint & Body

Caldwell, Lori J.

Carlton Fields Jordan Burt, PA

Carpenter Lipps & Leland LLP

Carpenter, Michael

Carville, Elizabeth Babin

Cashdan, Jeffrey S.

Clark, Johanna W.

Cole, Scott & Kissane, PA

Complete Collision Center, LLC

Cook, Yancey, King & Galloway, APLC

Cottrell, Edward Keenan

Country Club Auto Repair Inc.

Cozen O'Connor

de Leeuw, Michael B.

Dentons, US LLP

Diamantas, Kyle A.

Direct General Insurance Company of Louisiana*

Dow, Randy R.

DuBos, Michael L.

Duchesne, Edward, d/b/a Duchesne Paint & Body

Eagle Auto Body & Paint Service Inc.

Eaves, Jr., John A.

Elara Holdings, Inc.*

eSurance Insurance Company

Eimer Stahl LLP

Encompass Indemnity Company

Encompass Insurance Company of America

Encompass Property & Casualty Company

Farmers Insurance Exchange

Farmers Insurance Group

Fenton, Richard L.

Final Touch Collision Repair Inc.

Firemans Fund Insurance Company

Fischer, Ian Matthew

Fry, Allison P.

GEICO Casualty Company

GEICO General Insurance Company

GEICO Indemnity Company

Goldfine, Dan W.

Goldstons Auto Body, LLC

Government Employee's Insurance Company

Grabel, Joshua

Griffith, Jr., Steven F.

Halavais, Jamie L.

Hanover American Insurance Company

Hanover Insurance Company

Hanover Insurance Group (The) (NYSE: THG)

Hanover, Mark L.

Hartford Accident & Indemnity Company

Hartford Casualty Insurance Company

Hartford Financial Services Group, Inc. (The) (NYSE: HIG)

Hartford Fire Insurance Company

Hartford Insurance Company of the Midwest

Helmer, Elizabeth

Hochstadt, Eric

Holcomb Dunbar Watts Best Masters & Golmon, PA

Horn, Elizabeth Swingle

Imperial Fire & Casualty Insurance Company

Jim's Body Shop, LLC

John Arthur Eaves, Attorneys at Law

Johnnie's Paint & Body Shop, Inc.

Jordan, Robert, d/b/a Jordan's Automotive & Performance

Kaplan, Howard Bruce

Keith's Paint & Body, LLC

Kelley, Joseph S., d/b/a Kelley Kustoms

Kencade Enterprises, Inc., d/b/a Ken's Kustom Body Shop

Kenny, Michael P.

King & Spalding, LLP

Kissane, Joseph T.

Koch, Amelia W.

Kochis, Kymberly

Krystal Auto Collision Inc.

Kubicki Draper, PA

Landry, Dominic, d/b/a Dom's Paint & Body

Lau, Bonnie

LeJeunes Body Works, Inc.

Lewis Roca Rothgerber Christie

Liberty Mutual Fire Insurance Company

Liberty Mutual Group

Liberty Mutual Holding Company, Inc.

Liberty Mutual Insurance Company

Litchford, Hal K.

Lloyd Lauw Collision Repair Center, LLC

Louisiana Farm Bureau Casualty Insurance Company

Lugenbuhl, Wheaton, Peck, Rankin & Hubbard

Martin's Paint & Body Inc.

Mastando, III, John

Masters, Jonathan Stuart

Mazarac, Keith, d/b/a Precision Body and Frame

McCluggage, Michael L.

McGlinchey Stafford, PLLC

McGlinchey Stafford, PLLC-Houston

Medines Collision Center, LLC

Mumford, Michael E.

NAPA Collision Center of Bastrop, LLC

National General Holdings Corp. (NASDAQ: NGHC)

Nationwide Mutual Insurance Company

Nelson, Michael R.

Nolan, Francis X.

Ordeneaux, James Keith

Parker Auto Body, Inc.

Parker, Daniel P.

Perez, Karina Isabel

Plauche, Jr., Andrew Lane

Plauche Maselli Parkerson LLP

Powers, Tiffany L.

Presnell, Gregory (Honorable)

Profit, David, d/b/a Dave's Auto Body

Progressive Corp. (The) (NYSE: PGR)

Progressive Paloverde Insurance Company

Progressive Security Insurance Company

Reynolds Body Works, LLC

Robertson, Christopher, d/b/a Chris Auto Body Shop

Rohback, Thomas G.

Rollo, Anthony J.

Rooney, Timothy J.

Rumburger, Kirk & Caldwell, PA

Safeco Insurance Company of America

Safeco Insurance Company of Oregon

Safeway Insurance Company of Louisiana

Safeway Insurance roup.

Schmeeckle, Seth A.

Seewald, Jeffrey R.

Sentry Insurance A Mutual Company

Sentry Select Insurance Company

Sentry Insurance Group

Shelter General Insurance Company

Shelter Mutual Insurance Company

Skambis, Jr., Christopher Charles

Skambis Law Firm, The

Smith, Gambrell & Russell, LLP

Smith, Jay, d/b/a Precision Collision

Smith, Thomas (Honorable)

Southern Farm Bureau Casualty Insurance Company

Squire Patton Boggs (US) LLP

Staggs, A.W., d/b/a Staggs Auto Body Shop

Stanley & Flanagan, L.L.C.

Stanley, Reuter, Ross, Thornton & Alford

Stanley, Richard C.

State Farm Fire and Casualty Company

State Farm General Insurance Company

State Farm Mutual Automobile Insurance Company

Stroock & Stroock & Lavan, LLP

Stubbs, Inc., d/b/a Expressway Paint & Body

Sullivan, John J.

Sutherland, Asbill & Brennan, LLP

Taylor Auto Body, LLC

Travelers Casualty Insurance Company of America

Travelers Casualty & Surety Company

Travelers Casualty & Surety Company of America

Travelers Companies, Inc., The (NYSE: TRV)

Travelers Indemnity Company of America

Travelers Indemnity Company of Connecticut

Travelers Property Casualty Company of America

United Fire & Casualty Company

United Fire & Indemnity Company

United Fire Group

USAA Casualty Insurance Company

USAA General Indemnity Company

U.S. Agencies Casualty Insurance Company

Vargo, Ernest E.

Vitale, Michael S.

Weil, Gotshal & Manges, LLP

Wenger, Kristen

Wilkes, Gregg A.

Winston & Strawn, LLP

Yohai, David

*Per a press release issued June 24, 2016, Direct General's parent company, Elara Holdings, Inc., has agreed to be acquired by National General Holdings Corporation (NASDAQ: NGHC), which is also the parent company of defendant-Appellee Imperial Fire & Casualty Insurance. Whether that acquisition has been completed as of the filing of this pleading is unknown.