

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 12a0924n.06

No. 11-6537

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Aug 20, 2012
LEONARD GREEN, Clerk

RAMONA POWELL,)	
)	
Plaintiff-Appellant,)	
)	
v.)	ON APPEAL FROM THE UNITED
)	STATES DISTRICT COURT FOR THE
CHEROKEE INSURANCE CO.,)	WESTERN DISTRICT OF KENTUCKY
)	
Defendant-Appellee.)	

Before: BOGGS, GILMAN, and DONALD, Circuit Judges.

Per Curiam. Plaintiff-Appellant Ramona Powell alleges that Cherokee Insurance Company (“Cherokee”) violated Kentucky’s Unfair Claims Settlement Practices Act (“UCSPA”) in its processing of her third-party insurance claim. The district court granted summary judgment in favor of Cherokee on the ground that Powell failed to present evidence that Cherokee had engaged in outrageous or egregious behavior, notwithstanding the undisputed delay in resolving her claim.

After the district court rendered its decision and the parties had fully briefed the issues in the instant appeal, we decided *Phelps v. State Farm Mutual Automobile Insurance Company*, 680 F.3d 725 (6th Cir. 2012), a case that considered similar claims of an insurer’s bad faith arising under the UCSPA. Because *Phelps* may be instructive in the resolution of the issues presented in the instant case, we hereby **VACATE** the judgment of the district court and **REMAND** for reconsideration in light of our analysis in *Phelps*.