

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

JUDI KENNEDY,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. N09C-06-271 MMJ
)	
ENCOMPASS INDEMNITY CO.,)	
)	
Defendant/Third-Party)	
Plaintiff,)	
)	
v.)	
)	
GOVERNMENT EMPLOYEES)	
INSURANCE CO.,)	
)	
Third-Party Defendant.)	

ORDER

The Court has considered Defendant's Motion for Summary Judgment. The Delaware Supreme Court's decision in *State Farm Mut. Auto. Ins. Co. v. Patterson*, 7 A.3d 454 (Del. 2010), is controlling. This Court finds the facts and legal issues in the instant case to be indistinguishable from those in *Patterson*.¹

¹See *Kent v. Nationwide Property & Cas. Ins. Co.*, 844 A.2d 1092, 1098 (Del. Super. 2004) (cited favorably in *Patterson*, and holding that "plaintiff's claim is uninsured because there is no insurance applicable to the claim she asserts for noneconomic loss; there is no other security applicable.").

THEREFORE, Defendant Encompass Indemnity Company's Motion for Summary Judgment is hereby **DENIED**. To the extent Plaintiff Judi Kennedy can prove fault and damages, she is entitled to uninsured motorist benefits.

IT IS SO ORDERED this 9th day of December, 2011.

/s/ *Mary M Johnston*
The Honorable Mary M. Johnston