

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Angela Thomas and Elliot Thomas v. Allied Trust Insurance
Company

Thomas · No. 23-7138 · Decided January 13, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana granted Allied Trust Insurance Company’s motion to dismiss and dismissed Angela and Elliot Thomas’s insurance action with prejudice. The court imposed the dismissal as a sanction under Federal Rule of Civil Procedure 37 after repeated failures to comply with discovery orders, despite multiple extensions, conferences, warnings, and lesser sanctions.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	January 13, 2026
DOCKET	23-7138
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved to dismiss the action with prejudice under Federal Rule of Civil Procedure 37(b)(2)(A) based on Plaintiffs' repeated failures to comply with discovery orders. Plaintiffs did not oppose the motion.
STANDARD OF REVIEW	Abuse-of-discretion standard governing sanctions under Federal Rule of Civil Procedure 37; dismissal with prejudice is subject to the requirement that lesser sanctions be inadequate and is an extreme remedy of last resort.
PRECEDENTIAL VALUE	unknown

TOPICS

- sanctions
- discovery dispute
- motions to dismiss
- insurance bad faith
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiffs' repeated failures to comply with discovery orders warranted dismissal with prejudice under Federal Rule of Civil Procedure 37(b)(2)(A).
2. Whether lesser sanctions would adequately address Plaintiffs' repeated discovery violations and the prejudice to Defendant.

HOLDINGS

1. Dismissal with prejudice was warranted because Plaintiffs repeatedly failed to comply with discovery orders despite multiple extensions, warnings, hearings, and lesser sanctions, and their failures substantially prejudiced Defendant's ability to defend the action.
2. Lesser sanctions were inadequate and futile after the court had already imposed sanctions and granted Plaintiffs repeated opportunities to comply.

KEY QUOTATIONS

“A court may even dismiss the action under Rule 37, when “the deterrent value of Rule 37 cannot be substantially achieved by the use of less drastic sanctions.””

“As such, an action may not be dismissed with prejudice when “it has been established that failure to comply has been due to inability, and not to willfulness, bad faith, or any fault of the petitioner.””

“Accordingly, Plaintiffs’ repeated failures to comply with this Court’s discovery orders warrant dismissal of this action with prejudice.”

FACTUAL BACKGROUND

Angela and Elliot Thomas brought an insurance action against Allied Trust Insurance Company alleging that the insurer acted in bad faith by failing to compensate them for covered losses caused by Hurricane Ida. Plaintiffs repeatedly failed to provide ordered discovery, including repair records, financial-account information, repair documentation, and communications with adjusters and contractors. Despite multiple hearings, extensions, warnings, and the imposition of lesser sanctions, Plaintiffs failed to meet the final September 2, 2025 deadline and offered no justifiable explanation.

PROCEDURAL HISTORY

Plaintiffs sued their insurer after Hurricane Ida allegedly damaged their home. After repeated failures to provide court-ordered discovery and expert disclosures, the court granted lesser sanctions, including striking Plaintiffs' expert testimony, issued multiple extensions and warnings, and ultimately ordered a final discovery deadline. Plaintiffs failed to comply with the final deadline, and the court granted Defendant's unopposed motion to dismiss with prejudice.

DISPOSITION

dismissed

CASES CITED

- Batson v. Neal Spelce Assocs., Inc., 765 F.2d 511, 514-15 (5th Cir. 1985)
- Nat'l Hockey League v. Metro. Hockey Club, Inc., 427 U.S. 639, 640 (1976)
- Societe Internationale v. Rogers, 357 U.S. 197, 212 (1958)

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