

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA,
MISSOULA DIVISION

**Kenneth Hilliard and Marjorie Hilliard v. State Farm Automobile
Insurance Company**

CV 25-146-M-WWM · No. CV 25-146-M-WWM · Decided April 15, 2026

SUMMARY

The United States District Court for the District of Montana partially granted State Farm Automobile Insurance Company’s Rule 12(b)(6) motion in an action brought by Kenneth and Marjorie Hilliard. The court dismissed with prejudice the plaintiffs’ Montana Unfair Trade Practices Act claim as time-barred, while reserving its ruling on the claim for breach of the covenant of good faith and fair dealing.

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION KENNETH HILLIARD and MARJORIE HILLIARD, CV 25-146-M-
WWM Plaintiffs, ORDER GRANTING IN PART vs DEFENDANT’S RULE 12(b)(6) MOTION
STATE FARM AUTOMOBILE INSURANCE COMPANY, Defendant. Plaintiffs Kenneth and
Marjorie Hilliard filed a Complaint in this Court on September 12, 2025, alleging four counts
against Defendant State Farm Automobile Insurance Company (“State Farm”): (1) Declaratory
Judgment; (ID) Breach of Contract; (II) Breach of the Covenant of Good Faith and Fair Dealing;
and (IV) Violation of Montana’s Unfair Trade Practices Act (“MUTPA”).

(Doc. | 24-41). Before the Court is State Farm’s Rule 12(b)(6) Motion to Dismiss Counts IIT and
[V of Plaintiffs’ Complaint. (Doc. 6). State Farm asserts that Plaintiffs’ claim for violations of
MUTPA were filed after the two-year statute of limitations period in § 33-18-242(7)(a), MCA
(2021),! barring Count IV ' The Court cites the 2021 Montana Code Annotated (“MCA”) because,
in Montana, it is a longstanding rule to “apply the law in effect at the time of the injury,”
Boettcher v. Mont.

Guar. Fund, 154 P.3d 629, 632 (Mont. 2007), and Plaintiffs’ injuries occurred on September 30,
2021. (Doc. 15 7 3). altogether. (Doc. 7 at 9-10). Dismissal of Count IV is not contested. (See
Doc. 10 at 3 (“Plaintiffs do not oppose Defendant’s request to dismiss Count IV”)).

Accordingly, IT IS HEREBY ORDERED that Defendant’s motion (Doc. 6) is GRANTED IN
PART. Count IV of Plaintiffs’ Complaint is dismissed with prejudice. The Court reserves its ruling
on Defendant’s motion to dismiss Count Ul.

The Clerk of Court is directed to notify the parties of the making of this Order. DATED this 15th day of Aone WILLIAM W. MERCER UNITED STATES DISTRICT JUDGE "fy

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