

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.

CASE DETAILS

COURT	United States District Court for the District of Montana, Missoula Division
WRITING FOR THE COURT	William W. Mercer
JURISDICTION	United States District Court for the District of Montana, Missoula Division
DECIDED	April 15, 2026
DOCKET	CV 25-146-M-WWM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs filed a four-count complaint. Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Counts III and IV. The court granted the motion in part as to Count IV and reserved ruling on Count III.
STANDARD OF REVIEW	Under Rule 12(b)(6), a complaint may be dismissed for failure to state a claim upon which relief can be granted. The order does not otherwise articulate the standard.
PRECEDENTIAL VALUE	Unknown; district court order designated per curiam, with no reporter citation or precedential designation stated in the opinion.
PARTIES	Kenneth Hilliard, Marjorie Hilliard v. State Farm Automobile Insurance Company

TOPICS

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QUESTIONS PRESENTED

1. Whether Count IV, alleging a violation of Montana's Unfair Trade Practices Act, should be dismissed under Rule 12(b)(6) based on the applicable statute of limitations.
2. Whether the court should rule on the motion to dismiss Count III at the same time.

HOLDINGS

1. Count IV of Plaintiffs' Complaint, alleging a violation of Montana's Unfair Trade Practices Act, is dismissed with prejudice.
2. The court did not decide the motion to dismiss Count III and reserved its ruling.

KEY QUOTATIONS

“Plaintiffs do not oppose Defendant’s request to dismiss Count IV”

FACTUAL BACKGROUND

Plaintiffs alleged that State Farm violated their insurance-related contractual and statutory rights, asserting claims for declaratory judgment, breach of contract, breach of the covenant of good faith and fair dealing, and violation of Montana's Unfair Trade Practices Act. The alleged injuries occurred on September 30, 2021.

PROCEDURAL HISTORY

Plaintiffs filed the action in the United States District Court for the District of Montana on September 12, 2025. State Farm moved to dismiss Counts III and IV under Rule 12(b)(6). Plaintiffs did not oppose dismissal of the Montana Unfair Trade Practices Act claim, so the court dismissed Count IV with prejudice and reserved ruling on Count III.

DISPOSITION

other

CASES CITED

- Boettcher v. Mont. Guar. Fund, 154 P.3d 629, 632 (Mont. 2007)