

April 11, 2012

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

TAVIS McARTHUR,

Plaintiff-Appellant,

v.

STATE FARM MUTUAL
AUTOMOBILE INSURANCE
COMPANY,

Defendant-Appellee.

No. 09-4239

(D.C. No. 2:09-CV-00416-TS)
(D. Utah)

ORDER AND JUDGMENT*

Before **BRISCOE**, Chief Judge, **BALDOCK** and **TYMKOVICH**, Circuit Judges.

The Supreme Court of Utah in McArthur v. State Farm Mut. Auto. Ins. Co., 2012 UT 22, ___ P.2d ___ (Utah 2012), has answered the two questions we previously certified to that Court pursuant to 10th Cir. R. 27.1 and Utah R. App. P. 41. Those answers resolve this appeal as a matter of law without the need of further factual inquiry by the district court. Accordingly, the judgment of the district court is

AFFIRMED.

Entered for the Court

Bobby R. Baldock
United States Circuit Judge

* This order and judgment is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.