

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

CMR CONSTRUCTION AND ROOFING,
LLC,

Plaintiff,

v.

Case No. 2:20-cv-416-JLB-NPM

AMERICAN CAPITAL ASSURANCE
CORPORATION,

Defendant.

ORDER

Defendant American Capital Insurance Corp. (“AmCap”) has given the Court notice of a state-court consent order appointing the Florida Department of Financial Services as AmCap’s receiver under the Florida Insurers Rehabilitation and Liquidation Act, Fla. Stat. §§ 631.001–.401. (Doc. 40.) In turn, Paragraph 45 of the consent order provides notice that all judicial actions against AmCap are automatically stayed. (Doc. 40, Ex. A); see also Fla. Stat. § 631.041(1)(a).

The Court construes AmCap’s notice (Doc. 40) as a motion to stay the action and **GRANTS** it. Accordingly, it is **ORDERED**:

1. This action is **STAYED**.
2. AmCap’s pending motion to dismiss (Doc. 39) is **DENIED WITHOUT PREJUDICE** to renew after the stay is lifted.
3. The Clerk is **DIRECTED** to terminate all pending deadlines.

4. No later than **May 26, 2021, and every thirty days thereafter**, AmCap shall file a report in this Court on the status of the liquidation proceedings.
5. The parties shall file a joint motion to lift the stay and reopen the case as soon as the stay is dissolved. **No later than thirty days after that motion is granted**, the parties shall file an amended case management report with new proposed deadlines.

ORDERED in Fort Myers, Florida, on April 26, 2021.



JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE