

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

JOVITA FARFAN,

Plaintiff,

v.

Case No: 5:17-cv-47-Oc-41PRL

**LIBERTY MUTUAL FIRE
INSURANCE COMPANY,**

Defendant.

ORDER

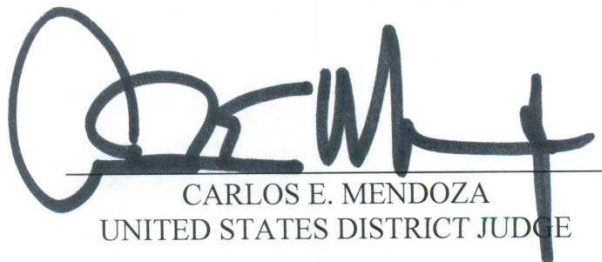
THIS CAUSE is before the Court on the parties' Agreed Motion to Stay Litigation Pending Completion of Neutral Evaluation (Doc. 10). This case arises out of Plaintiff's property insurance claim for damage allegedly caused by sinkhole activity. (Compl., Doc. 2, ¶ 20). While Defendant's investigations have determined that Plaintiff's property has neither structural nor sinkhole damage, (Doc. 10 at 1), Plaintiff's investigations have provided contrary results, (*id.* at 2). Therefore, Defendant has requested a Neutral Evaluation through the Florida Department of Financial Services pursuant to section 627.7074 of the Florida Statutes.

"Section 627.7074 provides a substantive right of parties to have a neutral evaluator review the claim and render a nonbinding report before the matter is adjudicated by a court." *Morejon v. Am. Sec. Ins. Co.*, 829 F. Supp. 2d 1258, 1260 (M.D. Fla. 2011). Section 627.7074(10) provides: "Regardless of when noticed, any court proceeding related to the subject matter of the neutral evaluation shall be stayed pending completion of the neutral evaluation and for [five] days after the filing of the neutral evaluator's report with the court." As a result, "courts in this District have routinely stayed or closed cases pending completion of the neutral evaluation process." *Morejon*,

829 F. Supp. 2d at 1261 (granting a motion to stay the case pending completion of the neutral evaluation process pursuant to section 627.7074 of the Florida Statutes and citing additional Middle District of Florida cases for support). Accordingly, it is **ORDERED** and **ADJUDGED** as follows:

1. The parties' Agreed Motion to Stay Litigation Pending Completion of Neutral Evaluation (Doc. 10) is **GRANTED**.
2. This case is **STAYED** pending completion of the Neutral Evaluation Process. Within seven days of completion and receipt of the neutral evaluator's report by the parties, the parties shall ensure that the neutral evaluator's report is filed with the Court.
3. The Clerk is directed to administratively close this case.

DONE and **ORDERED** in Orlando, Florida on March 29, 2017.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record