

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

LEE MILLER AND RITA MILLER,

Plaintiff,

-vs-

Case No. 6:12-cv-339-Orl-31GJK

**SIRAJ/SJRAAJ MEHDI; BUDGET RENT
A CAR SYSTEM, INC.; and PV HOLDING
CORP.,**

Defendants.

ORDER

This cause came on for consideration without oral argument on a Motion to Dismiss (Doc. 4) filed by Defendants Budget Rent a Car System, Inc. (“Budget”) and PV Holding Corp. (“PV Holding”). On March 13, 2012, Plaintiffs were ordered to respond to said Motion by no later than March 27, 2012. The Court cautioned that “[f]ailure to respond may result in the motion being granted without further notice.” (Doc. 11). Plaintiffs have failed to respond, and upon review, the Motion is meritorious.

This case arises out of an automobile accident between Plaintiffs and Defendant Siraj/Sjraaj Mehdi who was driving a rental car owned by Budget and PV Holding. Plaintiffs’ claims against Budget and PV Holding are based solely on vicarious liability; however such claims are barred by 49 U.S.C. § 30106 absent “negligence or criminal wrongdoing on the part of the owner.” *See Vargas v. Enterprise Leasing Co.*, 60 So. 3d 1037, 1043 (Fla. 2011). No such negligence or criminal wrongdoing is alleged.

Accordingly , it is **ORDERED** that Defendants' Motion to Dismiss (Doc. 4) is **GRANTED**.

Plaintiffs' claims against Defendants Budget and PV Holding are **DISMISSED**.

DONE and **ORDERED** in Chambers, Orlando, Florida on April 12, 2012.



GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party