

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

**GOVERNMENT EMPLOYEES
INSURANCE COMPANY, GEICO
GENERAL INSURANCE COMPANY,
GEICO CASUALTY COMPANY and
GEICO INDEMNITY COMPANY,**

Plaintiffs,

v.

Case No: 6:12-cv-1138-Orl-36DAB

**KJ CHIROPRACTIC CENTER LLC,
WELLNESS PAIN & REHAB, INC.,
SADAT SMITH, ARTHUR VITO,
ESDRAS PIERRE LOUIS, JEAN
CASSAMAJOR, ROBERT COHEN,
ORLENE JOSEPH, EDNER DESIR,
ELAINE FELIX, VLADIMIR JEAN
PIERRE, ROBERT THELUSMA,
SHENIKA RICHARDSON, SHAYLA
GAINES, CHANEL AKINS, QUEENA
MCRAE, JEAN DORESTANT and
BELLE MANAGEMENT, LLC,**

Defendants.

ORDER

This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge David A. Baker on May 8, 2014 (Doc. 299). In the Report and Recommendation, Magistrate Judge Baker recommends that the Plaintiffs' Motion to Strike or in the Alternative Sever Third Party Complaint (Doc. 264) be granted, in part, and the Third Party Complaint be stricken. The Magistrate Judge also recommends that Plaintiffs' Motion to Strike or in the Alternative Sever KJ and Smith's Third Party Complaint (Doc. 288) be granted, in part, and the Third Party Complaint be stricken. All parties were furnished copies of the Report and

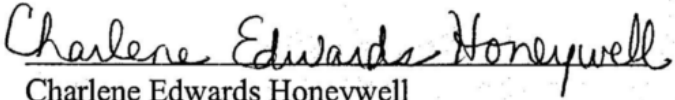
Recommendation and were afforded the opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). No such objections were filed.

Upon consideration of the Report and Recommendation, and upon this Court's independent examination of the file, it is determined that the Report and Recommendation should be adopted. Accordingly, it is now

ORDERED:

- (1) The Report and Recommendation of the Magistrate Judge (Doc. 299) is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.
- (2) Plaintiffs' Motion to Strike or in the Alternative Sever Third Party Complaint (Doc. 264) is **GRANTED in part and DENIED in part**.
- (3) Plaintiffs' Motion to Strike or in the Alternative Sever KJ and Smith's Third Party Complaint (Doc. 288) is **GRANTED in part and DENIED in part**.
- (4) Defendants' Third Party Complaints (Docs. 253, 276) are **stricken, without prejudice**.
- (5) Defendants Jean Dorestant, Sadat Smith, and KJ Chiropractic Center, LLC, are directed to file a notice of constitutional question as specified in Rule 5.1 and to serve said notice and the paper drawing into question the constitutionality of sections 400.990 – 400.995, Florida Statutes, on the Florida Attorney General by **June 18, 2014**.
- (6) Pursuant to 28 U.S.C. § 2403, the Court hereby certifies to the Attorney General of the State of Florida that the constitutionality of specific provisions of sections 400.990 – 400.995, Florida Statutes, has been questioned.

DONE AND ORDERED at Orlando, Florida on May 28, 2014.


Charlene Edwards Honeywell
United States District Judge

Copies to:
The Honorable David A. Baker
Counsel of Record