

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

**NEUROCARE INSTITUTE OF
CENTRAL FLORIDA, P.A.,**

Plaintiff,

v.

Case No: 6:13-cv-1230-Orl-31DAB

**SCREEN, INC., PIONEER HEALTH
ASSOCIATES, LLC, DEBORAH
ROBERTS and JOHN DOES 1-12,**

Defendants.

ORDER

Upon consideration of Defendant Screen Inc.'s Motion to Dismiss (Doc. 23) and Plaintiff's response (Doc. 28), it is

ORDERED that said Motion is **DENIED**. A demand for return of property is not an essential element of conversion under Florida law. *Tambourine Comercio Internacional SA v. Solowsky*, 312 F. App'x 263, 272 (11th Cir. 2009) ("The generally accepted rule is that demand and refusal are unnecessary where the act complained of amounts to a conversion regardless of whether a demand is made." (quoting *Goodrich v. Malowney*, 157 So.2d 829, 832 (Fla. 2d DCA 1963))).

DONE and ORDERED in Chambers, Orlando, Florida on November 20, 2013.



GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party