

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

CONSTANCE HUDSPETH,

Plaintiff,

v.

Case No: 6:16-cv-1960-Orl-41KRS

**GOVERNMENT EMPLOYEES
INSURANCE COMPANY,**

Defendant.

ORDER

THIS CAUSE is before the Court on Plaintiff's Motion to Remand (Doc. 11). United States Magistrate Judge Karla R. Spaulding submitted a Report and Recommendation (Doc. 21), in which she recommends that the motion be denied.

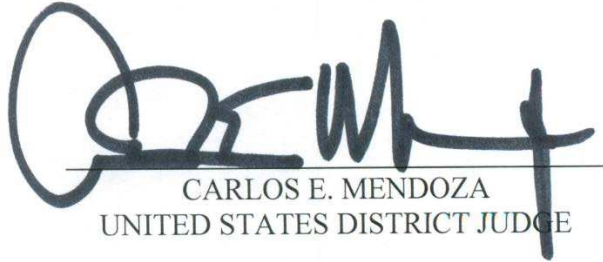
After a *de novo* review of the record, and noting that no objections were timely filed, this Court agrees with the analysis in the Report and Recommendation.

Also before the Court is Defendant's Motion to Dismiss Count II (Doc. 3), wherein Defendant seeks a dismissal without prejudice of Plaintiff's statutory bad faith claim that was brought simultaneously with her underinsured motorist claim. Plaintiff filed a Response (Doc. 12), in which she argues that this Court should abate, rather than dismiss, her premature bad faith claim. For the reasons set forth in *Alilin v. State Farm Mutual Automobile Insurance Co.*, No. 6:14-cv-1183-Orl-41DAB, 2014 WL 7734262, at *5-6 (M.D. Fla. Jan. 30, 2014), Count II is not ripe and is subject to dismissal without prejudice. Therefore, Defendant's motion will be granted.

Accordingly, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 21) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. Plaintiff's Motion to Remand (Doc. 11) is **DENIED**.
3. Defendant's Motion to Dismiss Count II (Doc. 3) is **GRANTED**.
4. Count II of Plaintiff's Complaint (Doc. 2) is **DISMISSED without prejudice**.

DONE and **ORDERED** in Orlando, Florida on February 7, 2017.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record