

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

BERLENA SHEFFIELD, AS PERSONAL  
REPRESENTATIVE OF THE ESTATE  
OF ANDRE D. SHEFFIELD,

Plaintiff,

v.

Case No. 6:17-cv-273-Orl-37KRS

RODRIGUEZ GREENE; KAREN  
RAINFORD AKINPELU; VICKIE  
DYANNE ALVES; and CHRISTINA  
DALY,

Defendants.

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**ORDER**

This matter is before the Court on the Plaintiff's unopposed Motion for Partial Summary Judgment (Doc. 30), filed May 5, 2017.

**DISCUSSION**

Contending that the undisputed record evidence establishes that Plaintiff complied with Florida's pre-suit notice requirements, Plaintiff seeks entry of summary judgment on the First Affirmative Defense asserted by Defendants. (*See* Doc. 30 ("**PSJ Motion**").) Defendants did not file a response to the PSJ Motion in the time prescribed in the Court's Case Management and Scheduling Order ("**CMSO**"). (Doc. 21, p. 9.) Because the PSJ Motion appeared well-taken, the Court directed that on or before **June 19, 2017**, Defendants were to "show cause why the Court should not grant" the PSJ Motion. (Doc. 36 ("**Show Cause Order**").) The Court warned Defendants that if they

failed to comply with the Show Cause Order, then the Court would “reject Defendants’ First Affirmative Defense and will grant” the PSJ Motion. (*Id.*) Defendants have not complied with the Show Cause Order, and the Court finds that the PSJ Motion is due to be granted.


#### CONCLUSION

It is **ORDERED AND ADJUDGED** as follows:

1. Plaintiff’s unopposed Motion for Partial Summary Judgment (Doc. 30) is **GRANTED**.
2. Pursuant to Federal Rule of Civil Procedure 56(a), summary judgment is entered against Defendants and in favor of Plaintiff on Defendants’ First Affirmative Defense (Doc. 27, ¶ 63).

**DONE AND ORDERED** in Orlando, Florida, this 20th day of June, 2017.



  
ROY B. DALTON JR.  
United States District Judge

Copies to:  
Counsel of Record