Sheffield v. Greene et al Doc. 39

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.

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

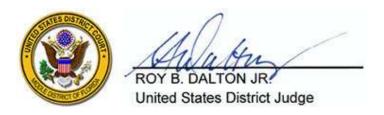
failed to comply with the Show Cause Order, then the Court would "reject Defendants' First Affirmative Defense and will grant" the PSJ Motion. (*Id.*) Defendants have not complied with the Show Cause Order, and the Court finds that the PSJ Motion is due to be granted.

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.



Copies to:

Counsel of Record