

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

PATRICIA KENNEDY,

Plaintiff,

v.

Case No: 6:17-cv-488-Orl-31KRS

**HDBF, LLC, CHINA STAR OF
DAYTONA, INC., FAMILY DOLLAR
STORES OF FLORIDA, LLC, PHAM
BICH, QS DAYTONA, LLC, PULL II,
INC. and WINN-DIXIE STORES, INC.,**

Defendants.

ORDER

This matter is before the Court on the Plaintiff's Objection (Doc. 17) to the Report and Recommendation of Judge Spaulding (Doc. 11).

In her Report, Judge Spaulding recommended that Plaintiff's claims be severed into seven separate lawsuits. This recommendation is based on her conclusion that joinder under Rule 20(a)(2)(A) is not warranted because all of these claims do not arise out of the same transaction, occurrence, or series of transactions or occurrences, and because in any event, joinder would create the potential for prejudice, expense, or delay.

After *de novo* review, the Court concurs with the Report and Recommendation. It is, therefore

ORDERED that Plaintiff's objection is overruled and the Report and Recommendation of Judge Spaulding is CONFIRMED and ADOPTED as a part of this Order.

In accordance with the Report and Recommendation, it is further **ORDERED** that:

- (1) This case is severed into separate lawsuits, as specified below, with the claims Plaintiff asserts jointly against Holly Hill and China Star remaining in the instant case;
- (2) Plaintiff shall file an amended complaint in this case by May 12, 2017, that asserts only

the claims she pursues jointly against Holly Hill and China Star;

- (3) If Plaintiff wishes to proceed with the remainder of her claims, she must file separate actions and pay the filing fee for each new case. If Plaintiff continues to assert the claims alleged in the current complaint, the separate actions should be filed as follows:
- a. One action asserting the claims she pursues jointly against Holly Hill and Family Dollar;
 - b. One action asserting the claims she pursues jointly against Holly Hill and Bich;
 - c. One action asserting the claims she pursues jointly against Holly Hill and QS Daytona;
 - d. One action asserting the claims she pursues jointly against Holly Hill and Pull II;
 - e. One action asserting the claims she pursues jointly against Holly Hill and Winn-Dixie; and
 - f. One action asserting only the claims for which Holly Hill is solely liable (the parking violations identified in Paragraph 36(a)-(e) of the current complaint).
- (4) The Clerk of Court shall advise chambers when the severed claims are filed as new cases so that the Court may consider whether to consolidate all cases filed pursuant to this Order before the same District Judge and Magistrate Judge.

DONE and ORDERED in Chambers, Orlando, Florida on May 2, 2017.




GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party