

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

ROARING FORK 2, LLC,

Plaintiff,

v.

Case No. 6:17-cv-877-Orl-37GJK

AMERICAN STATES INSURANCE  
COMPANY,

Defendant.

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**ORDER**

This action arises from the denial of an insurance claim for property damage allegedly caused by sinkhole activity. (Doc. 2.) After Plaintiff initiated a breach-of-contract action against Defendant to recover benefits under the applicable policy (*id.*), Defendant removed the action on grounds of diversity jurisdiction (Doc. 1). In the present motion, Defendant requests that the Court stay the action pending a neutral evaluation of Plaintiff's property. (Doc. 11 ("**Motion**").) The Motion is unopposed. (*Id.*)

Upon consideration, the Court finds that the Motion is due to be granted. Indeed, under the Florida Statutes, a neutral evaluation is mandatory once requested by a party. Fla. Stat. § 627.7074 (4). Florida law also mandates that "any court proceeding related to the subject matter of [a] neutral evaluation . . . be stayed pending completion of the neutral evaluation and for five days after the filing of the neutral evaluator's report with the court." Fla. Stat. § 627.7074 (10). At least one court in this District has found these provisions applicable to federal courts sitting in diversity. *Morejon v. Am. Sec. Ins. Co.*,

829 F. Supp. 2d 1258 (M.D. Fla. 2011). This Court agrees.

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

1. Defendant's Unopposed Motion to Stay (Doc. 11) is **GRANTED**.
2. In accordance with Florida Statutes, § 627.7074(10), this action is **STAYED** pending completion of a neutral evaluation. The Court will reopen the action five days following the submission of the neutral evaluator's report on the docket.
3. The Clerk is **DIRECTED** to **ADMINISTRATIVELY CLOSE** the file.
4. The parties are **DIRECTED** to:
  - a. Submit a joint status report on Wednesday, **August 30, 2017**, and every ninety days thereafter;
  - b. Immediately notify the Court upon the completion of neutral evaluation; and
  - c. Submit the neutral evaluator's report to the Court as soon as it is complete.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on May 31, 2017.



  
ROY B. DALTON JR.  
United States District Judge

Copies to:  
Counsel of Record