

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

FRANK AYERS,

Plaintiff,

v.

Case No. 6:17-cv-1265-Orl-37TBS

STATE FARM MUTUAL
AUTOMOBILE INSURANCE
COMPANY; RUTH MIER GRAHAM;
GOVERNMENT EMPLOYEES
INSURANCE COMPANY; TAMMY
BOOTH; and STEVEN HERSH,

Defendants.

ORDER

In the instant action, Plaintiff asserts, among others, a putative class action breach-of-contract claim ("**Class Claim**") against Defendant State Farm Mutual Automobile Insurance Company ("**State Farm**"). (Doc. 2.) The Class Claim rests on the theory that State Farm is required to provide its insureds with counsel prior to the initiation of a third-party bodily injury lawsuit ("**Coverage Issue**"). (*See id.* ¶¶ 101, 103.)


After State Farm removed the action to this Court (*see* Doc. 31), the Court concluded that it lacked sufficient evidence to determine whether State Farm had satisfied the Class Action Fairness Act's jurisdictional threshold and ordered it show cause why this case should not be remanded. (Doc. 36. ("**Show Cause Order**").) State Farm and Plaintiff responded to the Show Cause Order (*see* Docs. 40, 45, 51), and the matter was set for a hearing on October 17, 2017 ("**October 17 Hearing**") (Doc. 50). At the

October 17 Hearing, the Undersigned addressed the Show Cause Order and considered several pending motions. (See Doc. 57.) So consistent with Court's rulings at its October 17 Hearing, it is **ORDERED and ADJUDGED** as follows:

1. The Court's Show Cause Order (Doc. 36) is **DISCHARGED**.
2. Defendant State Farm's Motion to Dismiss Complaint and Incorporated Memorandum of Law (Doc. 33) is **DENIED WITHOUT PREJUDICE**.
3. Defendant State Farm's Motion to Redesignate Case from Track Two to Track Three and Motion to Bifurcate Discovery (Doc. 53) is **DENIED**.
4. On or before Friday, **October 27, 2017**, the parties are **DIRECTED** to file a case management report.
5. The deadline to complete discovery on the Coverage Issue identified in this Order is Tuesday, **January 16, 2018**.
6. On or before Thursday, **February 15, 2018**, the parties are **DIRECTED** to file cross-motions for summary judgment limited to the Coverage Issue. Fourteen days following the filing of such motions, each party may file a response.

DONE AND ORDERED in Chambers in Orlando, Florida, on October 19, 2017.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record