

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

BAYCARE HEALTH SYSTEMS, INC.,

Plaintiff,

v.

Case No. 8:07-cv-1222-T-33TGW

MEDICAL SAVINGS INSURANCE
COMPANY D/B/A MEDICAL SAVINGS
HEALTH PLAN,

Defendant.

_____ /

ORDER

This cause comes before the Court pursuant to Defendant's Unopposed Motion to Permanently Enjoin this Lawsuit (Doc. # 50), which was filed on March 18, 2009. For the reasons that follow, this Court grants the motion.

Defendant, Medical Savings Insurance Company ("MSIC"), is an Indiana-domiciled stock insurance company subject to Indiana's Supervision, Rehabilitation, and Liquidation Act, Indiana Code § 27-9, et seq. On December 11, 2008, this Court entered an Order staying this case pursuant to an order issued by the Marion Circuit Court, Marion County, Indiana, (the "Receivership Court"), ordering all matters in which MSIC is a party be stayed for 90 days. (Doc. # 11).

On February 26, 2009, the Receivership Court entered an Order of Liquidation in regard to MSIC and ordered that no

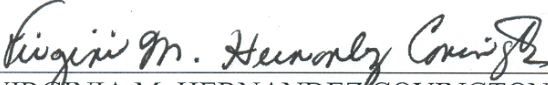
existing action outside the Receivership Court be maintained or further presented against MSIC. At this time, MSIC moves this Court to recognize and enforce the February 26, 2009, Order and to permanently enjoin further proceedings before this Court. MSIC and Plaintiff agree that this permanent injunction shall not, in any way, affect Plaintiff's right to proceed forward with its claims in the Receivership Court and that this permanent injunction shall not, in any way, prejudice Plaintiff or create any statute of limitations defenses in the Receivership Court which did not exist at the time this lawsuit was filed. This Court finds good cause to grant the relief requested by MSIC and orders that this action be enjoined and that this case be closed.

Accordingly, it is now

ORDERED, ADJUDGED, and DECREED that:

- (1) Defendant's Unopposed Motion to Permanently Enjoin this Lawsuit (Doc. # 50) is **GRANTED**.
- (2) The Clerk is directed to close this case.

DONE and ORDERED in Chambers, in Tampa, Florida, this 23rd day of March 2009.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies:

All Counsel of Record