

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

**CERTAIN UNDERWRITERS
AT LLOYD'S OF LONDON,**

Plaintiff,

v.

Case No. 8:18-cv-2550-WFJ-AAS

PHARMATECH, LLC, et al.,

Defendants.

ORDER

Defendant Melissa Gerald's requests this court disburse to her all remaining insurance proceeds in the court's registry and to disburse all interest earned on the deposited funds. (Doc. 473). Defendants Virtus Pharmaceuticals, LLC and Virtus Pharmaceuticals OPCO II, LLC (collectively, Virtus) argue this request is premature as certain issues remain outstanding in the lawsuit in the Texas state court action styled *Melissa Gerald's, et al v. Virtus Pharmaceuticals, LLC*, Cause No. 95957. (Doc. 474, p. 2). The undersigned directed the parties to advise the court whether a scheduled June 25, 2024 hearing in Texas state court mooted the requests in Ms. Gerald's motion. (Doc. 475). The parties report the Texas state court "did not grant [Ms.] Gerald's Motion to Enforce Settlement, but instead offered the parties the opportunity to have the state court resolve the still pending

dispute by exercise of the state court's equitable powers or by allowing the parties to resolve the dispute by pleading and the available remedy of a jury trial." (Doc. 476, p. 1).

United States District Judge William F. Jung previously ordered this case "be abated and stayed until the resolution of the pending Texas state court case." (Doc. 467, p. 1). Ms. Gerald's cites no caselaw justifying the premature disbursement of funds before the action resolves in Texas state court. (See Doc. 473). Accordingly, Ms. Gerald's Motion for Disbursement of Funds (Doc. 473) is **DENIED without prejudice**. Virtus' request for attorney's fees and expenses incurred in drafting their response (Doc. 474, pp. 4, 5) is **DENIED**. As previously ordered by Judge Jung (Doc. 467, p. 3), the parties are directed to alert this Court via motion when further judicial action is required in this interpleader action.

ORDERED in Tampa, Florida on August 30, 2024.



AMANDA ARNOLD SANSONE
United States Magistrate Judge