

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 12-23562-CIV-MORENO

NORTH POINTE CASUALTY INSURANCE
COMPANY,

Plaintiff,

vs.

ROYAL PLUMBING CORPORATION, ET AL.,

Defendants.

**ORDER STAYING CASE, CLOSING CASE FOR STATISTICAL PURPOSES AND
PLACING MATTER IN A CIVIL SUSPENSE FILE**

THIS CAUSE came before the Court upon the Movant's Motion to Dismiss and/or to Stay Pending a Ruling on Appeal And Incorporated Memorandum of Law (**D.E. No. 35**), filed on **November 13, 2013**.


The plaintiff insurer, North Pointe Casualty Insurance Company ("North Pointe"), seeks a declaration pursuant to 28 U.S.C. §2201 (the Declaratory Judgment Act), that it has no duty to defend or indemnify the defendants, who were insured by North Pointe, for claims asserted against them in a state court action involving on-the-job injuries to one of the defendants' employees. *See* Complaint at 4. In its motion to stay or dismiss, the movant argues that when the claims against the defendants in the underlying state court action were dismissed at the summary judgment stage, the issues regarding North Pointe's duty to defend and/or indemnify "evaporated" along with them. Def's Mot. at 3. The movant asserts that the instant action should be dismissed or, alternatively, stayed pending a final ruling by the Florida Third Circuit Court of Appeal. *Id.* at 6.

The Court agrees, in part, and stays this action in the interests of practicality and efficient judicial administration. *See Wilton v. Seven Falls Co.*, 515 U.S. 277, 288 (1995). In the event that the Florida Third Circuit Court of Appeal overturns the state trial court's summary judgment order, the Court will reopen this matter. Accordingly, it is

ADJUDGED that:

- (1) The Clerk of this Court shall mark this cause as closed for statistical purposes and place the matter in a civil suspense file.
- (2) The Court shall retain jurisdiction and the case shall be restored to the active docket upon motion of a party if circumstances change so that this action may proceed to final disposition.
- (3) This order shall not prejudice the rights of the parties to this litigation.
- (4) Plaintiff SHALL notify the Court of the status of the state appellate court proceedings as well as when and if this action is ready to proceed.

DONE AND ORDERED in Chambers at Miami, Florida, this 13th day of February, 2013.



FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies provided to:

Counsel of Record