

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

FLUID DYNAMICS HOLDINGS, LLC,
a Delaware Limited Liability Company,

Plaintiff,

v.

Case No. 3:14-cv-1454-J-32MCR

CITY OF JACKSONVILLE, a Florida
municipality and JACKSONVILLE
ELECTRIC AUTHORITY, a body
politic and corporate created by the
Charter of the City of Jacksonville,
Florida,

Defendants.

ORDER AND FINAL JUDGMENT

This case is before the Court on Defendant Jacksonville Electric Authority's ("JEA") Motion for Summary Final Judgment. (Doc. 68). Plaintiff Fluid Dynamics Holdings, LLC filed a response. (Doc. 69).

On August 29, 2017, the Court found as a matter of law that JEA is entitled to sovereign immunity in this action because it is a "governmental unit acting as an instrumentality of the City of Jacksonville." (Doc. 63 at 14). Under Florida law, a plaintiff must provide pre-suit notice to the Florida Department of Financial Services in addition to presenting pre-suit notice to the relevant agency. Fla. Stat.

§ 768.28(6)(a). Fluid Dynamics concedes that it did not provide pre-suit notice to the Department of Financial Services. (Doc. 69 at 5). However, if, contrary to the Court's

Order, JEA is not entitled to sovereign immunity, Fluid Dynamics was not required to provide pre-suit notice to the Department of Financial Services.

JEA now requests that the Court enter summary judgment in its favor on all counts due to Fluid Dynamics's failure to provide pre-suit notice. (Doc. 68 at 6). Fluid Dynamics also requests that the Court enter a final judgment in JEA's favor so it may appeal the Order finding that JEA is entitled to sovereign immunity. (Doc. 69 at 5).

Accordingly, it is **ORDERED AND ADJUDGED** that:

1. Defendant Jacksonville Electric Authority's Motion for Summary Final Judgment (Doc. 68) is **GRANTED**.
2. Judgment is entered in favor of Defendant Jacksonville Electric Authority and against Plaintiff Fluid Dynamics Holdings, LLC.
3. The stay imposed on December 11, 2017 is lifted.
4. All deadlines and motions are terminated, and the Clerk should close the file.

DONE AND ORDERED in Jacksonville, Florida the 20th day of February, 2018.


TIMOTHY J. CORRIGAN
United States District Judge

sj
Copies:

Counsel of record