

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DOWNTOWN VILLAGE SQUARE II,
LLC,

Plaintiff,

v.

Case No: 2:18-cv-615-FtM-38MRM

SCOTTSDALE INSURANCE
COMPANY,

Defendant.

ORDER¹

Before the Court is Defendant Scottsdale Insurance Company's Motion to Compel Appraisal, Abate All Proceedings, and to Dismiss the Complaint. ([Doc. 3](#)). The matter is ripe for review. The parties have entered a joint stipulation agreeing to an appraisal as provided for in the insurance policy and to stay this action pending the appraisal. ([Doc. 15](#)). After review of the record and applicable law, the Court will compel appraisal, stay this case, and deny Scottsdale's motion to dismiss without prejudice.

Accordingly, it is now

ORDERED:

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

1. Defendant Scottsdale Insurance Company's Motion to Compel Appraisal, Abate All Proceedings, and to Dismiss the Complaint ([Doc. 3](#)) is **GRANTED in part and DENIED in part.**

A. The Court **GRANTS** the Motion to Compel Appraisal and Abate All Proceedings.

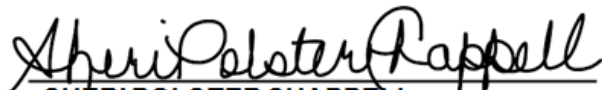
B. All proceedings in this case are **STAYED** until the parties advise the Court that appraisal has been completed and the stay is due to be lifted. The parties must notify the Court of such matters within **seven (7) days** of the appraisal proceedings concluding.

C. The parties are **DIRECTED** to file a joint written status report regarding the status of the appraisal on or before **January 25, 2019**, and every ninety (90) days until the conclusion of the appraisal proceedings.

D. Defendant's Motion to Dismiss is **DENIED** without prejudice. Defendant must respond to the Complaint within fourteen **(14) days** of the appraisal proceedings concluding.

E. The Clerk of Court is **DIRECTED** to add a stay flag on the docket.

DONE and **ORDERED** in Fort Myers, Florida this 6th day of November 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record