

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

ERIC BECTON,

Plaintiff,

v.

CASE NO. 8:18-cv-943-T-26AAS

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant.

ORDER

UPON DUE AND CAREFUL CONSIDERATION of the Defendant's Motion to Dismiss Count II of Plaintiff's Complaint (Dkt. 5), the allegations of the complaint (Dkt. 2), and the applicable Florida law, it is **ORDERED AND ADJUDGED** that the motion is denied. Count II alleges a first-party bad faith claim pursuant to section 624.155, Florida Statutes. Plaintiff even alleges that "[t]his claim will ripen" after a determination of liability and damages on the insurance contract. It is well-settled Florida law that a bad-faith cause of action is premature until such determination, and the proper course is the abatement of the bad-faith claim. See Demott v. Liberty Mut. Fire Ins. Co.,

2008 WL 2359923 (M.D. Fla. 2008). The Court therefore abates any action with regard to Count II until the issues in Count I have been resolved.¹

DONE AND ORDERED at Tampa, Florida, on April 26, 2018.

s/Richard A. Lazzara
RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO:
Counsel of Record

¹ Because the law is clear, no response from Plaintiff is needed.