

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JAMES CAMPBELL,

Plaintiff,

v.

Case No.: 2:24-cv-289-SPC-KCD

AMERICAN SECURITY
INSURANCE COMPANY,

Defendant.

_____ /

ORDER

This is an insurance dispute stemming from Hurricane Ian. The parties now agree that their dispute should go to appraisal. (Doc. 24.)

When an insurance policy contains an appraisal provision, “the right to appraisal is not permissive but is instead mandatory, so once a demand for appraisal is made, ‘neither party has the right to deny that demand.’” *McGowan v. First Acceptance Ins. Co., Inc.*, 411 F. Supp. 3d 1293, 1296 (M.D. Fla. 2019) (quoting *United Cmty. Ins. Co. v. Lewis*, 642 So. 2d 59, 60 (Fla. 3d DCA 1994)). And like other stipulations about dispute resolution, the Court enforces contractual appraisal provisions by non-dispositive order. *See Positano Place at Naples II Condo. Ass’n, Inc. v. Empire Indem. Ins. Co.*, No. 2:21-cv-181-SPC-MRM, 2022 WL 714809, *2 (M.D. Fla. Mar. 10, 2022).

The parties agree that appraisal is appropriate, so their request will be granted. Further, the parties seek a stay during appraisal. The Hurricane Ian Scheduling Order contemplates such relief during appraisal. (Doc. 16 at 2). Thus, the case will be stayed. All deadlines and events in the Hurricane Ian Scheduling Order (Doc. 16) are suspended.

Accordingly, it is hereby **ORDERED**:

1. Defendant's Unopposed Motion for Appraisal and to Abate all Proceedings Pending Appraisal (Doc. 24) is **GRANTED**.

2. This case is **STAYED** pending appraisal, and the Clerk must add a stay flag to the file and **ADMINISTRATIVELY CLOSE THE CASE**.

3. The parties are **DIRECTED** to file a joint report on the status of appraisal on or before **July 29, 2024**, and every ninety days thereafter until appraisal has ended.

4. Within 15 days of a signed appraisal award, the parties are **DIRECTED** to jointly notify the Court of (a) what issues, if any, remain for the Court to resolve; (b) whether the stay needs to be lifted; and (c) how this action should move forward.

ENTERED in Fort Myers, Florida on April 29, 2024.


Kyle C. Dudek
United States Magistrate Judge