

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

PLEASANT HILL CHRISTIAN
CHURCH MINISTRIES, INC.,

Plaintiff,

v.

Case No.: 2:24-cv-417-JLB-KCD

OHIO 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. 25.)

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. The Hurricane Ian Scheduling Order contemplates such relief during appraisal. (Doc. 13 at 2.) Thus, the case will be stayed. All deadlines and events in the Hurricane Ian Scheduling Order (Doc. 13) are suspended. The parties have agreed that the Court reserve jurisdiction following the appraisal award to determine Plaintiff's entitlement to fees and costs. (Doc. 25 at 8-9.) Plaintiff can raise the issue of fees and costs following the appraisal award.

According, it is hereby **ORDERED**:

1. The Joint Stipulation to Stay Case Pending Completion of Appraisal (Doc. 25) 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 **September 30, 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 July 2, 2024.



Kyle C. Dudek
United States Magistrate Judge

Copies: All Parties of Record