<<COURT\_NAME>>

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| <<PROVIDER\_SUITNAME>>,  a/a/o <<INJUREDPARTY\_NAME>>    Plaintiff,  vs.  <<INSURANCECOMPANY\_SUITNAME>>  Defendant. | Case No. <<INDEXORAAA\_NUMBER>> |

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**PLAINTIFF’S MOTION TO STAY PROCEEDINGS**

Plaintiff, <<PROVIDER\_SUITNAME>>, by and through the undersigned counsel, hereby files this Motion to Stay Proceedings and in support thereof further states:

1. Plaintiff has brought a breach of contract action against the Defendant for failure to pay all insurance benefits due and owing to the Plaintiff under an assignment of benefits.
2. Plaintiff had received the assignment of benefits from <<INJUREDPARTY\_NAME>> in exchange for certain engineering services performed directly relating to damage sustained in relation to an insurance claim.
3. Defendant is now seeking summary judgment on the validity of Plaintiff’s assignment of benefits and/or on the issue of coverage of engineering services under the subject policy of insurance.
4. The issues of the validity of the Plaintiff’s assignment of benefits in relation to Fla. Stat. §627.7152 and the coverage of engineering services under an all-risks HO-3 policy are issues of legal importance that are being analyzed around the state.
5. These issues have previously been presented to this Court in a previous action and the Court’s decision is currently in appeal.
6. The Court has broad discretion in granting Motions to Stay a proceeding.
7. In Shake Consulting, LLC v. Sun Cruz Casinos, LLC, 781 So.2d 494, 495 (Fla. 4th DCA 2001), the court of appeal upheld a trial court’s decision to stay a case, stating that the trial court acted within its discretion in granting the stay as there were numerous lawsuits pending involving many of the same issues, and there was the risk of inconsistent and/or duplicative rulings.
8. In Rosenberg v. Zoberg, 680 So.2d 1050,1052 (Fla. 3rd DCA 1996), the Third District Court of Appeals held it was abuse of discretion for a trial judge to deny a stay of proceedings, since “[a] stay is the proper vehicle to avoid a waste of judicial resources.”
9. The same issues upon which Defendant is seeking summary judgment is already before the Appellate Court for this jurisdiction.
10. There is no binding case law regarding these issues as they are issue of first impression in the state of Florida.
11. The Court has the discretion to stay this action pending the outcome of the previous appeal to avoid inconsistent and/or duplicative rulings.
12. Defendant will not be prejudiced by the stay of the instant action.

WHEREFORE, Plaintiff, <<PROVIDER\_SUITNAME>>, requests the Court to enter an Order Staying the action pending the appellate decision in The Kidwell Group, LLC dba Air Quality Assessors of Florida a/a/o Michael Feehan v. Omega Insurance Company; and grant such other further relief that is just and appropriate under the circumstances.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on February 19, 2022, a true and correct copy of the foregoing was served to all parties registered for this case via the Florida E-filing Portal.

**Florida Insurance Law Group, LLC**

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