

IN THE COUNTY COURT OF THE
NINTH JUDICIAL CIRCUIT IN AND
FOR ORANGE COUNTY, FLORIDA

CASE NUMBER: 2016-SC-009499-O
DIVISION: Div 73

FLORIDA HOSPITAL MEDICAL CENTER
Plaintiff(s)

VS

MENDOTA INSURANCE COMPANY
Defendant(s)

ORDER ON DEFENDANT'S MOTION OF STAY

This cause having come on to be heard before this Court on May 22, 2017 and the Court, having reviewed the pleading and after hearing argument of Counsel does hereby find:

1. The Defendant had sent an Explanation of Benefits on October 12, 2015 to the Plaintiff explaining that no EMC determination was received by Defendant, thus capping the benefits to \$2500.00.
2. The Plaintiff filed its complaint on June 3, 2016.
3. The Defendant filed its Answer and Affirmative Defenses on December 27, 2016.
4. The Plaintiff filed its Attestation of Emergency Condition on January 11, 2017.
5. The Defendant filed its Motion to Stay or Abate Proceedings on February 1, 2017.
6. The Ninth Circuit in its Appellate capacity addressed this issue in *USAA Casualty Insurance Co., v. Florida Injury Kissimmee, LLC a/a/o Chinese Keith*, 2015-CV-106-A-O. The Court found that USAA Casulty was not obligated to pay the disputed amount until an EMC was received and that the filing of the lawsuit was premature.

ORDERS AND ADJUDGES AS FOLLOWS:

- A. The Defendant's Motion to Stay is GRANTED.
- B. The Case shall be abated for 30 days from date of this Order to give the Defendant the statutory time to make a determination on payment of the bill provided.

DONE, ORDERED and FILED in open Court at Orlando,
Orange County, Florida on this on June 5, 2017

Honorable Judge 

Eric H DuBois

Copies via e-portal to:

Wendelyn Gowen, Esq., Counsel for Plaintiff (email: wlg.service@bradfordlaw.com)
Elsa Maria Ojeda, Esq., Counsel for Defendant (email: eservice@hamiltonrisk.com)
Henry Ramos, Esq., Counsel for Defendant (email: rhitt@abdmplaw.com)