

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

AT HOME AUTO GLASS LLC a/a/o MARY CARGLE,

Plaintiff,

v.

Case No.: 2018-SC-33113-0

PROGRESSIVE AMERICAN INSURANCE COMPANY,

Defendant

ORDER GRANTING DEFENDANT'S MOTION TO DISMISS

THIS CAUSE having come before the Honorable Court on Defendant's Motion to Dismiss on March 1, 2021, and having heard the argument of counsel and review of the motions and case law filed by the parties, the Court otherwise being fully advised in the premises, makes the following findings:

1. The Appraisal Clause is a mandatory provision of the policy.
2. The policy states that the Defendant cannot be sued unless there is full compliance with all the terms of the policy.

It is ORDERED AND ADJUDGED:

1. The Defendant's Motion to Dismiss Plaintiff's Complaint is **GRANTED**, without prejudice.
2. The Defendant's Motion to Stay the Proceedings is hereby **DENIED**.
3. The Plaintiff's request for an evidentiary hearing on the cost prohibitive doctrine is **DENIED**.

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DONE AND ORDERED in Chambers in Orange County, Florida this day of 1st day of April 2021.



AMY J. CARTER

ORANGE COUNTY COURT JUDGE

COURT SERVES PARTIES/COUNSEL OF RECORD VIA E-PORTAL. MOVANT RESPONSIBLE FOR SERVING ANY PARTY NOT PARTICIPATING IN ELECTRONIC FILING AND THEN FILING A CERTIFICATE OF SERVICE WITHIN THREE (3) BUSINESS DAYS OF THIS ORDER.

/s/ Jill Ryan, Judicial Assistant