

**IN THE CIRCUIT COURT, IN THE FIFTH JUDICIAL CIRCUIT IN  
AND FOR MARION COUNTY, FLORIDA  
CIVIL DIVISION**

STATE FARM MUTUAL  
AUTOMOBILE INSURANCE COMPANY,  
a/s/o TIFFANY WATERS,

Case No. 14-1489-CAB

Plaintiffs,

v.

ARLENE BENBOW MCCOY,

Defendant.

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**ORDER DENYING DEFENDANT'S SUMMARY JUDGMENT MOTION  
WITHOUT PREJUDICE**

**THIS CAUSE** came before the Court on February 10, 2015, on the Defendant's Motion For Final Summary Judgment, and the Court, having reviewed the file, having heard argument from counsel, and being otherwise fully advised in the premises, therefore,

**ORDERS AND ADJUDGES** as follows:

1. Defendant's Summary Motion is denied without prejudice. The basis for this denial is Plaintiff's representation to the Court that Plaintiff will take the action described in paragraph 2 below.

2. Plaintiff, within 14 days from February 10, 2015, shall prepare, file, properly notice (including providing adequate notice to its insured) and schedule for hearing a HIPPA compliant motion that will permit it to disclose damage information in this case to Defendant. Thereafter, because Plaintiff has the burden to prove its damages in this case, Plaintiff in a timely manner shall provide all information it has to prove its damages to Defendant.

3. Should Plaintiff fail to comply with Paragraph 2 above, then the Defendant may re-notice its Motion for Summary Judgment for hearing and the Court will take the same under advisement.

**DONE AND ORDERED** in Chambers at Ocala, Marion County, Florida, on this 11<sup>th</sup> day of February, 2015.



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**HONORABLE LISA HERNDON**  
Circuit Judge

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been delivered via email to counsel of record at the following email addresses on this 11 day of February, 2015:

Michael Massey, Esq.  
Massey@352law.com

Jeff Becker  
jbecker@hidayricke.com



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Judicial Assistant