

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

CONCORD AUTO BODY, INC,

Plaintiff,

v.

Case No: 6:15-cv-6022-Orl-31TBS

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY, et al.,

Defendants.

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**ORDER**

This matter comes before the Court *sua sponte*. On August 17, 2015, this Court entered an order (Doc. 77) dismissing the instant case without prejudice and giving the Plaintiffs until September 8, 2015 to file an amended complaint. By way of a motion filed in Case No. 6:14-md-2557 (Doc. 225), the Plaintiffs obtained an extension through September 18, 2015 to file an amended pleading. (Doc. 228 in Case No. 6:14-md-2557). On September 16, 2015, the Plaintiff waived its right to amend and filed an appeal. *See Schuurman v. Motor Vessel Betty K V*, 798 F.2d 442, 445 (11th Cir. 1986) (holding that plaintiff whose complaint is dismissed with leave to amend “may appeal prior to the expiration of the stated time period” for amendment but in doing so it “waives the right to later amend the complaint, even if the time to amend has not yet expired.”).

On September 30, 2015, Defendants Government Employees Insurance Company, GEICO Casualty Company, and GEICO Indemnity Company (collectively “GEICO”) filed a motion (Doc. 82) seeking sanctions pursuant to 28 U.S.C. § 1927 and this Court’s inherent powers. Consideration of any such motion is premature while this case remains on appeal.

In consideration of the foregoing, the Motion for Sanctions (Doc. 82) is **DENIED WITHOUT PREJUDICE**. GEICO may refile the motion within 30 days after resolution of the appeal. The Clerk is directed to close the file.

**DONE** and **ORDERED** in Chambers, Orlando, Florida on October 22, 2015.



  
GREGORY A. PRESNELL  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Party