

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

**LEIF'S AUTO COLLISION CENTERS,  
LLC,**

**Plaintiff,**

**v.**

**Case No: MDL 2557  
6:14-cv-6014-Orl-31EJK**

**STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY OF OREGON,  
et al.,**

**Defendants.**

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**ORDER**

By order dated August 17, 2015, the Court dismissed Plaintiff's Complaint with leave to amend as to certain claims (Doc. 149). Plaintiff's motion to reconsider that order (Doc. 151) was denied on September 9, 2015 (Doc. 163). Plaintiff did not file an amended complaint, so the dismissal became final and the file was closed on November 20, 2015 (Doc. 206).

In the meantime, the GEICO defendants filed a motion for attorney fees pursuant to 28 U.S.C. § 1927, the Court's inherent power, and Or. Rev. Stat. Ann. § 20.105, contending that Plaintiff filed the Complaint in bad faith (Doc. 175).

Tonkon Torp, LLP, filed a response on its behalf as Plaintiff's local counsel (Doc. 195), and Plaintiff adopted that response (Doc. 196). The Eaves Law Firm, LLC, as lead counsel did not respond to GEICO's motion. GEICO filed a reply on November 13, 2015 (Doc. 204).

In its order closing this case (Doc. 206), the Court retained jurisdiction to consider GEICO's pending motion for attorney fees once the MDL appellate proceedings were concluded. Those proceedings have now been concluded. *Quality Auto vs. State Farm*, 917 F.3d. 1249 (11th

Cir. 2019) (en banc); *Auto. Alignment & Body Serv., Inc. v. State Farm Mut. Auto. Ins. Co.*, 953 F.3d 707 (11th Cir. 2020); and *Crawford's Auto Ctr., Inc. v. State Farm Mut. Auto. Ins. Co.*, 945 F.3d 1150 (11th Cir. 2019).

Since a split panel of the 11th Circuit initially concluded in the *Quality Auto* case that all of Plaintiff's claims were viable, and the 11th Circuit *en banc* opinion upheld at least one of their claims, the Court cannot conclude that Plaintiff's Complaint was filed in bad faith. Therefore, Defendants' motion (Doc. 175) is **DENIED**.

**DONE** and **ORDERED** in Chambers, Orlando, Florida on July 2, 2020.



  
GREGORY A. PRESNELL  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Party