

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

PROFESSIONAL, INC.,

Plaintiff,

MDL 2557

v.

Case No: 6:18-cv-6024-Orl-31EJK

**KEMPER INDEPENDENT INSURANCE
COMPANY and TVM BUILDING
PRODUCTS, INC.,**

Defendants.

ORDER

This case was transferred from the Western District of Pennsylvania to this court in February 2018 as part of MDL 2557. On June 21, 2018, the case was stayed pending disposition of appeals pending in the Eleventh Circuit Court of Appeals. Doc. 15. Following the *en banc* opinion of the Eleventh Circuit in *Quality Auto Painting Ctr. of Roselle, Inc. v. State Farm Indem. Co.*, 917 F.3d. 1249 (11th Cir. 2019), the stay in this case was lifted. Doc. 20.

Pursuant to Doc. 348 in the master docket, 6:14-md-2557, the Court ordered Defendant to file a responsive pleading to Plaintiff's Complaint by August 7, 2020. Doc. 21. Defendant complied with that order and filed a motion to dismiss on August 7, 2020 (Doc. 22). Pursuant to the rules of this court, Plaintiff's response to this motion was due on August 21, 2020. Local Rule 3.01(b). Plaintiff has failed to file a response, and the motion stands unopposed.

It is, therefore,

ORDERED that Defendant's motion is **GRANTED**. Plaintiff's Complaint is hereby **DISMISSED**, and the Clerk is directed to close the file.

DONE and **ORDERED** in Chambers, Orlando, Florida on September 16, 2020.




GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party