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INSURANCE LAW ALERT

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Florida PIP Litigation: Update To March 22, 2013 Alert

On March 22, 2013, we reported in an Insurance Law Alert that Judge Terry Lewis of the Second Judicial Circuit in and for Leon County, Florida issued an order, upholding a temporary ban on the PIP reforms signed into law by Governor Rick Scott in *Robin A. Myers, A.P., et al. v. Kevin N. McCarty, in his Official Capacity as Commissioner of the Florida Office of Insurance Regulation*. The Florida Office of Insurance Regulation filed a Notice of Appeal of a Non-Final Order and Notice of Automatic Stay in the First District Court of Appeal in Tallahassee, resulting in an automatic stay of Judge Lewis's order pending the outcome of the appeal.

On April 19, 2013, Judge Lewis issued an order granting the plaintiffs' request to remove the stay, so as to "prevent the potential harm to citizens injured in automobile accidents who, under the PIP statute, may not receive necessary care." The Solicitor General's Office immediately filed an appeal in the District Court of Appeal, on behalf of the Florida Office of Insurance Regulation, and has requested an expedited review of the Court's decision vacating the automatic stay.

We will continue to monitor and report on developments on this litigation as they occur.

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