

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

ROBIN A. MYERS, D.C., et al,

CASE NO: 2013 CA 73

Plaintiffs,

vs.

KEVIN M. McCARTY, in his Official
Capacity as the Commissioner of The
Florida Office of Insurance
Regulation,

Defendant.

FILED
MAY 17 10 25 AM '13
LEON COUNTY, FLORIDA

_____ /

ORDER GRANTING MOTION TO VACATE AUTOMATIC STAY

THIS CASE is before me on the Plaintiffs' motion to vacate the automatic stay which became effective upon the Defendant's notice of intent to seek review of my order issuing a temporary injunction. I have considered the filings and evidence in favor of and in opposition and determine that the motion should be granted.

I wish to emphasize that the reason for so doing is not the potential harm to the Plaintiff medical providers (chiropractors, massage therapists and acupuncturists), who fear they will be forced out of business, and which appears to be the focus of their argument. I am sensitive to their situation and appreciate their concerns, but the legal issue here, and the focus of my injunction, is the constitutional right of citizens to seek redress in the courts if they are wrongfully injured. The medical providers are means to that end.

The reason for issuing the injunction was to protect this constitutional right and prevent the potential harm to citizens injured in automobile accidents who, under the

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present PIP statute, may not receive necessary medical care. It is this same potential harm that I weigh against the cost and inconvenience to the Office of Insurance and to insurance companies that may result if the stay is vacated. I too, wish the issue could have been resolved prior to the effective date of the relevant provisions, and I understand the difficulties created for both the Defendant and the insurance companies. But when I weigh those against the potential harm to injured persons, I find that the equities tip in favor of allowing the temporary injunction to remain in effect while the case is pending.

Accordingly, it is **Ordered and Adjudged** that the motion to vacate the stay is Granted. I will reserve as to the amount of bond, if any, that should be required of Plaintiffs.

DONE AND ORDERED in Chambers at Tallahassee, Leon County, Florida, this 17 day of April, 2013.



TERRY P. LEWIS, Circuit Judge

Copies to:

Luke Charles Lirot, Esquire
Adam S. Levine, Esquire

C. Timothy Gray, Esquire