

IN THE COUNTY COURT OF THE FIFTH
JUDICIAL CIRCUIT IN AND FOR MARION
COUNTY, FLORIDA

Case No.: 2022-CC-000162

THE KIDWELL GROUP, LLC D/B/A AIR
QUALITY ASSESSORS OF FLORIDA
A/A/O CHERYL SPANO,

Plaintiff,

v.

STATE FARM FLORIDA INSURANCE
COMPANY,

Defendant.

_____ /

ORDER ON MOTION

THIS CAUSE came to be heard on Defendant's *MOTION FOR RECONSIDERATION OF COURT'S ORDER ON DEFENDANT'S MOTION TO DISMISS AND MEMORANDUM OF LAW* ("Defendant's Motion") filed June 30, 2022. A hearing was conducted August 19, 2022. The Court, having heard the argument of counsel, having reviewed the court file and being otherwise advised in the premises, it is hereby **ORDERED AND ADJUDGED** that:

1. Defendant's Motion is **GRANTED**;
2. The Court hereby vacates the Order entered on May 16, 2022, in light of the subsequent appellate decisions of *The Kidwell Group, LLC d/b/a Air Quality Assessors of Florida a/a/o Ben Kivovitz v. United Property & Casualty Ins. Co.*, 2022 WL 2136705 (Fla. 4th DCA 2022), and *The Kidwell Group, LLC d/b/a Air Quality Assessors of Florida a/a/o Maria Amadio v. Olympus Insurance Company*, 2022 WL 2897749 (Fla. 5th DCA 2022); and
3. The Court hereby also dismisses Plaintiff's Complaint **with prejudice** for violating Fla. Stat. §627.7152 (2019) and instructs the clerk to close this file. Plaintiff shall take nothing in this action, and the Defendant may go hence without day. The court reserves jurisdiction on Defendant's entitlement to recover its reasonable attorney fees and costs from and against the Plaintiff, pursuant to applicable Florida law.

DONE and **ORDERED** in Chambers, at Marion County, Florida on this 25th day of August, 2022.



Hon. Thomas P. Thompson III
COUNTY JUDGE

cc: Kurt M. Ciell, Esq. (kciell@kelleykronenberg.com)
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