

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PASCO COUNTY, FLORIDA  
CIVIL DIVISION

WILLIAM SUMMERS,

Plaintiff,

v.

Case No.: 2007 CA 5232 WS/H

SCOTTSDALE INSURANCE COMPANY,

Defendant.

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**ORDER ON DEFENDANT'S MOTION FOR LEAVE TO AMEND  
ANSWER AND AFFIRMATIVE DEFENSES AND PLAINTIFF'S  
MOTION FOR PARTIAL SUMMARY JUDGMENT**

THIS CAUSE, having been heard on September 2, 2008, on Defendant's Motion for Leave to Amend Answer and Affirmative Defenses and Plaintiff's Motion for Partial Summary Judgment, and the Court having heard the argument of counsel, having reviewed the file, and being otherwise fully advised, it is:

ORDERED AND ADJUDGED as follows:

1. That Defendant's Motion for Leave to Amend Answer and Affirmative Defenses is GRANTED.

2. That Plaintiff's Motion for Partial Summary Judgment is GRANTED to the extent the Court finds that the Florida Supreme Court's decision in *Essex v. Zota*, 985 So. 2d 1036 (Fla. 2008) does apply to this action and it does require coverage.

**DONE AND ORDERED** in Chambers at New Port Richey, Pasco County, Florida on this \_\_\_\_\_ day of September, 2008.

ORIGINAL SIGNED

OCT 13 2008

W. LOWELL BRAY, JR.  
CIRCUIT JUDGE

The Honorable W. Lowell Bray, Jr.  
Circuit Court Judge

cc: Donna DeVaney, Esquire  
Christina Fears, Esquire

