

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

MICHELLE IRIZARRY; VALERIE  
WILLIAMS; JOANNE NIXON; JOANN  
ROBINSON; and BRANDON LITT,

Plaintiffs,

v.

Case No. 6:19-cv-268-Orl-37EJK

ORLANDO UTILITIES COMMISSION;  
LENNAR CORPORATION; U.S. HOME  
CORPORATION; AVALON PARK  
GROUP MANAGEMENT, INC.; BEAT  
KAHLI; and BORAL RESOURCES, LLC,

Defendants.

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**ORDER**

Defendant Orlando Utilities Commission (“OUC”) moves for partial judgment on the pleadings based on sovereign immunity. (Docs. 89, 95.) Plaintiffs oppose. (Docs. 91, 99.) The Court solicits additional briefing on these questions:

- (1) What immunity do municipal agencies enjoy under Florida common law outside the context of a tort action?
- (2) What is the source of that immunity, if any?
- (3) What is OUC’s claimed source of sovereign immunity?
- (4) Since the Price Anderson Act (“PAA”) applies substantive rules for decisions of the state, what is the effect of the PAA on the resolution of the immunity issue here?

**ORDERED AND ADJUDGED** that on or before Thursday, **May 21, 2020**, Defendant Orlando Utilities Commission is **DIRECTED** to file supplemental briefing not to exceed **ten (10) pages** consistent with the directives of this Order. Plaintiff must respond within **ten (10) days**, not to exceed **ten (10) pages**.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on May 11, 2020.



  
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ROY B. DALTON JR.  
United States District Judge

Copies to:  
Counsel of Record