

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-11844

Non-Argument Calendar

CALUSA BAY NORTH CONDOMINIUM ASSOCIATION, INC.,
CALUSA BAY SOUTH CONDOMINIUM ASSOCIATION, INC.,

Plaintiffs-Appellees,

versus

EMPIRE INDEMNITY INSURANCE COMPANY,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 2:21-cv-00540-JLB-NPM

Before ROSENBAUM, GRANT, and LUCK, Circuit Judges.

PER CURIAM:

Empire Indemnity Insurance Company appeals from the district court's order compelling appraisal and staying the proceedings pending appraisal. Calusa Bay North Condominium Association, Inc. and Calusa Bay South Condominium Association, Inc. (collectively "Calusa Bay") move to dismiss the appeal for lack of jurisdiction.

We conclude that we lack jurisdiction over the district court's order compelling appraisal for the reasons stated in our recent decision in *Positano Place at Naples I Condo. Ass'n, Inc. v. Empire Indem. Ins. Co.*, 84 F.4th 1241 (11th Cir. 2023). Indeed, the order compelling appraisal and staying the proceedings pending appraisal is an interlocutory order that is not immediately appealable under 28 U.S.C. § 1292(a)(1) or under the Federal Arbitration Act. *See id.* at 1245. Calusa Bay's motion to dismiss the appeal for lack of jurisdiction is GRANTED, and this appeal is DISMISSED.