

THIS WEEK IN PIP

A Weekly Newsletter brought to you by Ged Lawyers, LLP

Every week the team at Ged Lawyers brings you the latest news regarding PIP. We are dedicated to our clients, their families, and their businesses. This newsletter will help keep you updated and united with us on where PIP stands. As many of you know, there's an active Senate Bill looking to repeal PIP and Ged Lawyers remains at the forefront fighting for our clients.

03/01/21 THROUGH 03/05/21 March 9, 2021

Newsletter Overview



Section 1

Recent PIP Cases throughout the State



Section 2

Events and Announcements

Recent PIP Cases

September 2020: *Doctor Rehab Center Inc. a/a/o Otero v. United Auto. Ins. Co.*, 28 Fla. L. Weekly Supp. 940b, FLWSUPP2810OTER, case no. 2011-003510-SP-25 (Fla. 11th Jud. Cir. Ct. Sept. 3, 2020).

The 11th Judicial Circuit Court granted Plaintiff's amended motion for summary judgment and precluded Defendant (Insurer) from contesting the reasonableness of provider's charges. The Court reasoned that the same parties have previously litigated the issue of reasonableness for particular CPT codes. All parties not only had the opportunity to litigate, but actually litigated the issue in the previous matter. The Court found that the doctrine of collateral estoppel was satisfied, and thus, as a matter of law, the provider was entitled to a judgment on the issue of reasonableness.

Spine and Orthopaedic Specialist, PLLC a/a/o Wooton v. USAA Casualty Ins. Co., 28 Fla. L. Weekly Supp. 948a, case no. 20-CC-042944 (Fla. 13th Jud. Cir. Ct. Nov. 19, 2020).

The 13th Judicial Circuit Court vacated a default based on a finding on excusable neglect resulting from the pandemic. The excusable neglect was based on the pandemic resulting in a breakdown in the system of lawsuit distribution, compliance with work-at-home governmental orders, and unexpected increases in lawsuits against the insurer. The Court granted Defendant's motion to vacate default.

Primacare EMC a/a/o Dumouchel v. Garrison Prop. & Casualty Ins. Co., 28 Fla. L. Weekly Supp. 949a,

FLWSUPP2810DUMO, case no. 20-CC-039107 (Fla. 13th Jud. Cir. Ct. Nov. 19, 2020).

The 13th Judicial Circuit Court granted a motion to vacate default through a finding of excusable neglect. Insurer established the burden of showing that the pandemic resulted in a breakdown of lawsuit distribution to counsel, compliance with work-at-home governmental orders, and an unexpected increase in lawsuits against the insurer. Insurer's counsel filed a motion to vacate the default within a few days of notice and filed a proposed answer containing meritorious defenses.

MRI Associates of Palm Harbor Inc. a/a/o Cortes v. USAA Casualty Ins. Co, 28 Fla. L. Weekly Supp. 946b, FLWSUPP2810CORT, case no. 20-CC-042398 (Fla. 13th Jud. Cir. Ct. Nov. 19, 2020).

Consistent with the previous rulings, the 13th Judicial Circuit Court found excusable neglect and, thus, granted a motion to vacate default in favor of the Insurer. The excusable neglect was based on the impact of the pandemic of a system issue of lawsuit distribution to counsel, compliance with work-at-home governmental order, and an unexpected increase in lawsuit against the insurer. Insurer's counsel filed a motion to vacate the default within a few days of notice and filed a proposed answer containing meritorious defenses.

Ged Lawyers Events & Announcements

**WORK SMARTER
NOT HARDER!**

GUEST SPEAKER MARTY GED, ESQ

**JOIN US WEDNESDAY MARCH 10TH
12PM- 2:00PM**
AS HE DISCUSSES PIP RECOVERIES & HOW HE'S
SUCCESSFULLY RECOVERED MILLIONS FOR
PROVIDERS THROUGHOUT THE STATE

TO RSVP TEXT JOSIE AT 954- 253-0890

Carmela's
1910 HARRISON ST, HOLLYWOOD FL 33020

BLACKPOINT FUNDING **GED LAWYERS, LLP**
ATTORNEYS AT LAW

Join Mr. Marty Ged, Esq at BlackPoint Funding's upcoming lunch and learn as he discusses PIP recoveries and how he's successfully recovered millions for providers throughout the state of Florida. Details and location above. We hope to see you there!

With advanced remote capabilities, our PIP department is standing by ready to audit your existing files to uncover what you're rightfully owed. Even if another attorney has already completed an audit its likely you're still owed more. Our 0% administrative costs ensure you get back every dollar collected. Call us today to schedule a FREE 5 year look back before it's too late. Call us now at 561-995-1966 or visit our website and submit your info at gedlawyers.com.

NEXT EDITION: MARCH 16, 2021

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