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Traub Lieberman Partner Ryan Parker Wins Motion to Dismiss in Favor of Florida Insurance Company

Related Attorneys: Ryan S. Parker

In a matter brought in the county court of the Eleventh Judicial Circuit for Miami-Dade, FL, Traub Lieberman Partner, Ryan Parker wins motion to dismiss with prejudice in lawsuit filed by a contractor suing his client under two purported assignments of benefits.

The Plaintiff provided tarp and water mitigation services to the Insured. The Defendant, through Mr. Parker, argued that the services were emergency services and the amount of the emergency services exceeds the statutory cap in violation of Fla. Stat. § 627.7152(2)(c). As a result, Mr. Parker argued that the Plaintiff lacked standing to maintain a breach of contract against his client. The Plaintiff argued that the services were not emergency services and therefore the cap does not apply and additional discovery was required on that issue. The Court disagreed and granted Defendant's Motion to Dismiss with Prejudice.