

January 15, 2025

Traub Lieberman Partner Ryan Parker and Associate Tyler Caley Obtain Order Granting Motion to Dismiss

Related Attorneys: Ryan S. Parker

Traub Lieberman Partner Ryan Parker and Associate Tyler Caley obtained an order granting a motion to dismiss with prejudice in favor of their insurance company client (the "Insurance Company"). The Plaintiff alleged damages exceeding \$25,000 for mitigation and tarp services. In response to the complaint, the Traub Lieberman team filed a comprehensive motion to dismiss arguing that the Plaintiff lacked standing because the purported assignment of benefits did not comply with Fla. Stat. § 627.7152 for several different reasons, including that it contained incorrect hold harmless and indemnification language, allowed the contractor to recover depreciation from the Insured, and exceeded the statutory cap for emergency services. The order granting motion to dismiss was entered in lieu of a hearing after the Insurance Company agreed not to seek attorney's fees and costs against the Plaintiff pursuant to an expired proposal for settlement.