

IN THE COUNTY COURT OF THE 9TH  
JUDICIAL CIRCUIT IN AND FOR  
ORANGE COUNTY, FLORIDA

Case No.: 2021-CC-004963-O

ELR RESTORATION, INC. A/A/O  
MANUEL ALBERTO GARCIA LEON,

Plaintiff,

v.

AMERICAN INTEGRITY INSURANCE  
COMPANY OF FLORIDA,

Defendant.

\_\_\_\_\_/

**ORDER ON RESPONDENT, AMERICAN INTEGRITY INSURANCE  
COMPANY OF FLORIDA'S MOTION TO DISMISS**

This Matter came before the Court on Respondent's Motion to Dismiss on August 31, 2021 via telephonic hearing. The Court having heard arguments from both parties, reviewed the Court file, and being fully advised in the premises, it is hereby

**ORDERED and ADJUDGED** that:

1. The Assignment of Benefits does not comply with the requirements of Fla. Stat. 627.7152(2)(a)(4).
2. Florida Statute 627.7152(2)(d) is clear that an assignment agreement that does not comply with the aforementioned requirements is "invalid and unenforceable". As Petitioner's assignment agreements fail to comply with the requirements of 627.7152, the assignments are invalid and unenforceable, and the Court finds that Petitioner does not have standing to maintain this lawsuit.
3. Therefore, the Petitioner's Motion to Dismiss is **GRANTED WITH PREJUDICE**.

**DONE AND ORDERED** at Orlando, Orange County, Florida this 27th day of September, 2021.

  
\_\_\_\_\_  
AMY J. CARTER  
COUNTY JUDGE

**COURT SERVES PARTIES/COUNSEL OF RECORD VIA E-PORTAL. MOVANT RESPONSIBLE FOR SERVING ANY PARTY NOT PARTICIPATING IN ELECTRONIC FILING AND THEN FILING A CERTIFICATE OF SERVICE WITHIN THREE (3) BUSINESS DAYS OF THIS ORDER.**

**/s/ Jill Ryan, Judicial Assistant**