

IN AND FOR LEE COUNTY, FLORIDA

CIVIL ACTION

KIDWELL GROUP LLC
Plaintiff(s),

vs.

Case No.: 21-CC-005433

FAMILY SECURITY INSURANCE
COMPANY INC
Defendant(s).

**ORDER GRANTING DEFENDANT'S MOTION FOR FINAL SUMMARY
JUDGMENT**

THIS CAUSE having come before the Court on September 6, 2022 for hearing on Defendant's Motion for Final Summary Judgment. The Court having reviewed the Motion, Plaintiff's Responses, the Affidavits and Authorities cited by both parties, including the authority filed September 16, 2022, and having listened to argument from counsel and being further advised in the premises, it is hereby

ORDERED AND ADJUDGED as follows:

1. Final Summary Judgment is **GRANTED** in favor of the Defendant.
2. Plaintiff's Assignment of Benefits relates to services that fall within the scope of Florida Statute §627.7152(1)(b). Plaintiff's AOB fails, however, to comply with §627.7152(2)(a)(4) and (5), rendering it invalid and unenforceable under §627.7152(2)(d).
3. Without a valid and enforceable assignment agreement, Plaintiff lacks standing to sue under the insurance contract and cannot maintain a cause of action. Defendant is, therefore, entitled to judgment as a matter of law.
4. The Court reserves jurisdiction on attorney's fees and costs.

DONE AND ORDERED, in Chambers at Fort Myers, Lee County, Florida on this 21st day of September, 2022.



eSigned by Erik Leontiev 09/22/2022 13:48:04 YGUI8XEU

Erik Leontiev

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