

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA

Case No.: 2020-CA-8531

JING FU CHEN,

Plaintiff,

v.

HERITAGE PROPERTY & CASUALTY
INSURANCE COMPANY,

Defendant.

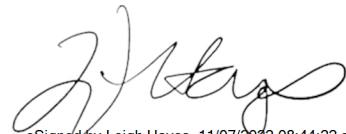
ORDER GRANTING DEFENDANT'S MOTION FOR FINAL SUMMARY JUDGMENT

THIS CASE came before the Court for hearing on October 31, 2022 upon the Defendant's Motion For Final Summary Judgment filed on June 3, 2022 (hereinafter referred to as Defendant's "Motion" and the Court having reviewed Defendant's Motion and Plaintiff's Response thereto filed on October 11, 2022 (hereinafter referred to as "Response"), and all other relevant filings of record, and the court having heard argument of counsel and being otherwise fully advised in the premises, it is thereupon:

ORDERED AND ADJUDGED as follows:

1. This is a breach of contract action involving a first-party property homeowner's insurance claim dispute where in the reported date of loss is September 10, 2017 as a result of Hurricane Irma
2. The court finds there is no genuine dispute of material fact and that Plaintiff's reporting of a claim for damage on September 9, 2020 (1095 days after the loss) was not timely.
3. Prejudice is therefore presumed.

4. Plaintiff has made a material breach of a condition precedent.
 5. No pictures or other evidence were presented to support Plaintiff's position or rebut the presumption.
 6. Based on the foregoing, the Court finds that the undisputed material facts and record evidence conclusively establishes the non-existence of any genuine dispute of fact that the Plaintiff failed to comply with all conditions precedent and post-loss requirements under the insurance policy, thus resulting in actual prejudice to Defendant, and therefore, the Court hereby grants final summary judgment in favor of the Defendant accordingly.
 7. The Court hereby enters final judgment in favor of the Defendant, HERITAGE PROPERTY & CASUALTY INSURANCE COMPANY, and against the Plaintiff, JING FU CHEN;
 8. The Court reserves jurisdiction on Defendant's entitlement to attorney's fees and costs pursuant to §768.79 and/or §57.041, Fla. Stat. and applicable Florida law
- DONE AND ORDERED at Fort Myers, Lee County, Florida.



eSigned by Leigh Hayes 11/07/2022 08:44:22 a2FWZJrv

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