

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL  
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2015-029711-CA-01

SECTION: CA59

JUDGE: Lisa Walsh

**Christopher Bachmann**

Plaintiff(s)

vs.

**United Property & Casualty Insurance Company**

Defendant(s)

\_\_\_\_\_ /

**ORDER GRANTING DEFENDANT'S MOTION FOR RECONSIDERATION OF PROPER  
REMEDY AND ENTERING FINAL JUDGMENT FOR DEFENDANT**

Docket Index Number: **181**

Or

Efiling Number: \_\_\_\_\_ Date Filed: \_\_\_\_\_

Full Name of Motion: **motion for reconsideration of proper remedy**

This Court granted Defendant's Amended Motion for Summary Judgment on April 1, 2022.

The insurer issued its check paying the remainder of full policy limits after suit was filed, but before it was served. The check was not deposited by Plaintiff or his counsel. Flummoxed over how to address the roughly \$10,000 check issued to Plaintiff six years ago but never cashed, the Court ordered Plaintiff to submit a final judgment for Plaintiff in the amount of the outstanding check, *nunc pro tunc* to the date it was issued. The Court invited the parties to file a rehearing motion addressing whether the court properly addressed the matter of the appropriate remedy since the issue was never raised nor argued. Defendant timely filed a motion requesting reconsideration on the ground that the remedy portion of the order violated Defendant's due process rights. An order that grants relief never pled nor argued by the parties is void. Defendant is correct. Plaintiff neither pled nor argued this remedy. (Amended Complaint and DE 87, Response to Amended Motion for Summary Judgment)

Accordingly, Defendant's motion for reconsideration is granted. The portion of the order granting a "Remedy" ordering Plaintiff to submit a Final Judgment for Plaintiff in the amount of the issued check is stricken. Judgment is entered for Defendant. The order granting summary judgment remains in effect in all other respects.

This Court reserves jurisdiction on entitlement to costs and fees.

Plaintiff shall take nothing by this action and the Defendant shall go hence without day.

**DONE** and **ORDERED** in Chambers at Miami-Dade County, Florida on this 13th day of May, 2022.

2015-029711-CA-01 05-13-2022 9:35 AM

2015-029711-CA-01 05-13-2022 9:35 AM

Hon. Lisa Walsh

**CIRCUIT COURT JUDGE**

Electronically Signed

Final Order as to All Parties SRS #: 12 (Other)

**THE COURT DISMISSES THIS CASE AGAINST ANY PARTY NOT LISTED IN THIS FINAL ORDER OR PREVIOUS ORDER(S). THIS CASE IS CLOSED AS TO ALL PARTIES.**

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CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2015-029711-CA-01

SECTION: CA59

JUDGE: Lisa Walsh

**Christopher Bachmann**

Plaintiff(s)

vs.

**United Property & Casualty Insurance Company**

Defendant(s)

\_\_\_\_\_ /

**ORDER DENYING PLAINTIFF'S MOTION FOR CLARIFICATION OR  
RECONSIDERATION**

Docket Index Number: **186**

Or

Efiling Number: \_\_\_\_\_ Date Filed: \_\_\_\_\_

Full Name of Motion: \_\_\_\_\_

The Plaintiff's Motion for Clarification or Reconsideration is denied.

If reopened, the clerk is ordered to reclose this case.

**DONE** and **ORDERED** in Chambers at Miami-Dade County, Florida on this 17th day of October, 2022.

2015-029711-CA-01 10-17-2022 10:13 AM



2015-029711-CA-01 10-17-2022 10:13 AM

Hon. Lisa Walsh

**CIRCUIT COURT JUDGE**

Electronically Signed

Final Order as to All Parties SRS #: 12 (Other)

THE COURT DISMISSES THIS CASE AGAINST ANY PARTY NOT LISTED IN THIS FINAL ORDER OR PREVIOUS ORDER(S). THIS CASE IS CLOSED AS TO ALL PARTIES.

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