

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

VERANDAS AT MCARTHUR PALMS  
CONDOMINIUM ASSOCIATION, INC.,  
Plaintiff,

v.

CASE NO.: 19-CA-6593

AMERICAN COASTAL  
INSURANCE COMPANY,  
Defendant.

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**ORDER ON DEFENDANT'S AMENDED MOTION FOR  
FINAL SUMMARY JUDGMENT**

This cause having come before the Court for hearing on Defendant's Amended Motion for Final Summary Judgment and the Court having reviewed the file, having heard argument of counsel and being otherwise duly advised in the premises, it is hereby

**ORDERED AND ADJUDGED** as follows:

1. The Court grants the Motion for Summary Judgment. The Court finds Defendant did not breach the contract and Plaintiff did not timely provide written notice disputing the initial claim determination or file a supplemental claim before filing suit. Defendant did not waive these requirements.
2. When Plaintiff presented the estimate to Defendant, which included damages never reported before, it was beyond the three-year notice requirement.
3. Considering Florida Statute 627.70132 and *Goldberg v. Universal Property & Casualty Insurance Co.*, 302 So.3d 919

(Fla. 4<sup>th</sup> DCA 2020), as a matter of law the Motion for Summary Judgment is granted. A reasonable jury could not enter a verdict for Plaintiff.

4. This ruling constitutes a final ruling in favor of the Defendant on the Plaintiff's Complaint filed on October 7, 2019 and Final Judgment is entered in favor of American Coastal Insurance Company against Verandas at McArthur Palms Condominium Association, Inc., and Plaintiff shall recover nothing from Defendant.
5. The Court retains jurisdiction to handle other matters including fees and costs.

DONE AND ORDERED at Fort Myers, Lee County, Florida.



eSigned by Leigh Hayes 06/15/2022 08:56:34 DMREeDcT

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