

**DANAHY**  
**&**  
**DUNNAVANT**  
INSURANCE CLAIM LAWYERS

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CHAD YOUNG

October 23, 2023

**VIA UPS and Electronic Mail**

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Florida Department of Financial Services, Legal Department  
And Chief Financial Officer, Jimmy Patronis  
Attn: Office of Insurance Regulation  
Anoush Arakalian Brangaccio, General Counsel  
200 E. Gaines Street  
Tallahassee, Florida 32399

Re: *Universal Property & Casualty Ins. Co. of Florida* - **Request for Revocation of Certificate of Authority per F.S.627.427 and 624.418.**  
Thomas Cannon v. Universal Property and Casualty Ins. Co. of Florida

Dear Sir/Madam:

Danahy & Dunnavant, P.A., represents the interests of Thomas J. Cannon, in the above-referenced lawsuit against Universal Property & Casualty Insurance Company ("Universal") pending in the 11<sup>th</sup> Judicial Circuit, in and for Miami – Dade County Florida. Universal's claims adjustment and actions throughout the pending lawsuit have been in utter disregard for its policyholder, Mr. Cannon. Indeed, the neglect, lack of diligence and refusal to honor orders and judgments of the Circuit Court by Universal in the instant matter is beyond comprehension.

Of some relevance is the fact the Court has sanctioned Universal on three (3) separate occasions in this litigation which culminated in a default judgment being entered against it. In each of those sanction orders, the Court required Universal to pay Mr. Cannon's reasonable attorney fees and costs. Despite multiple requests by the undersigned to have Universal stipulate sanctions to be paid, it has refused to respond. A hearing on the amount of sanctions to be awarded to Mr. Cannon is scheduled for November 28, 2023.

More importantly, the Court in the pending litigation has entered two (2) partial, final summary judgments awarding money damages to Mr. Cannon. These final judgments

were entered on August 4, 2023, and required Universal to make payments to Mr. Cannon. Universal has neither appealed these judgments nor issued the required payments in well over sixty (60) days, contrary to Florida Statutes 627.427 and 624.418.

Attached Please find the following materials for your consideration which support the request to Revoke the Certificate of Authority of Universal Property and Casualty Insurance Company:

- 1) Certified copies of the (2) money judgments at issue dated August 4, 2023, from the Clerk of the Court of Miami - Dade County, Fl.
- 2) A certified copy of the Case Summary (the Docket) from the Clerk of the Court of Miami - Dade County, Fl.
- 3) A certificate from the Clerk of the Court for Miami -Dade County, Fl. providing information required by
- 4) Affidavit signed and notarized by Chad L. Young, Esq.

As you know, insurance companies such as Universal are required to satisfy a money judgment within 60 days from its entry under Florida law. See Section 627.427, Florida Statutes and Section 624.418, Florida Statutes. The Court entered the two (2) money judgments at issue against Universal on August 4, 2023. Sixty (60) days from that date was October 3, 2023. More than sixty (60) days have elapsed and Universal has not made the required payments.

Where an insurer does not pay a final judgment within sixty (60) days from its entry, **“the office shall forthwith revoke the insurer’s certificate of authority.”** Fla. Stat. §627.427(2). Further, the office **“shall not issue to such insurer any new certificate of authority until the judgment or decree is wholly paid and satisfied and proof thereof filed with the office under the official certificate of the clerk of court wherein the judgment was recovered...”** *Id.* See also, Fla. Stat. §624.418(1)(c), **“[t]he office shall suspend or revoke an insurer’s certificate of authority if it finds that the insurer ... [h]as failed to pay any final judgment rendered against it in this state within 60 days after the judgment became final.”**

The behavior exhibited by Universal throughout the pendency of Plaintiff’s insurance claim and his resulting lawsuit is not an isolated event. On the contrary, Universal is routinely sanctioned by Courts throughout the State of Florida. Its perpetual conduct is an additional ground by which the office must suspend or revoke Universals certificate of authority. See Fla. Stat. §624.418(1)(b), **“[t]he office shall suspend or revoke an insurer’s certificate of authority if it finds that the insurer ... [i]s using such methods and practices in the conduct of business as to render its further transaction of insurance in this state hazardous or injurious to its policyholders or to the public.”**

Universal’s conduct, both in the instant matter and in other claims throughout Florida, require the office to revoke its certificate of authority as its conduct is hazardous and

October 23, 2023

Page 3

injurious to its policyholders, including Plaintiff and to other members of the public who enter into insurance contracts it. Members of the public who obtain an insurance contract with Universal are entitled to have Universal honor its contract and pay their claim promptly, fully, and fairly should a covered claim occur. That has not happened in this and many other claims.

Respectfully submitted,

*/s/ Matt Danahy*

Matthew R. Danahy

MRD/CY/kc

Enclosures

cc: Universal Property and Casualty Ins. Co. through its attorneys, Kyle Stewart, Esq.  
and Lanzce Francis, Esq. (w/encls)  
Thomas J. Cannon (w/o encls)  
Pasquale Cuccaro

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

**THOMAS J. CANNON,**

**Plaintiff,**

**Case No. 2022-005696-CA-01**

**vs.**

**UNIVERSAL PROPERTY & CASUALTY  
INSURANCE COMPANY,**

**Defendant.**

\_\_\_\_\_ /

**AFFIDAVIT OF CHAD L. YOUNG**

**BEFORE ME**, this day personally appeared Chad L. Young, Esq. who upon oath deposes upon personal knowledge and states:

1. I am over the age of eighteen (18) years, and I have personal knowledge of the facts stated below.

2. I am an attorney licensed in Florida and in good standing. I work at the law firm of Danahy & Dunnavant, P.A., which represents Plaintiff, THOMAS J. CANNON, in the above referenced matter. My Florida Bar number is 1018819.

3. On August 4, 2023, the Court entered two (2) money judgments against Defendant, UNIVERSAL PROPERTY & CASUALTY INSURANCE COMPANY ("Universal") in this case. Certified Copies of these two (2) money judgments are attached hereto as **Composite Exhibit "A"**.

4. These 2 judgments required Universal to pay a sum certain to Plaintiff in regard to Universal's breach of contract by failure to pay Plaintiff Recoverable

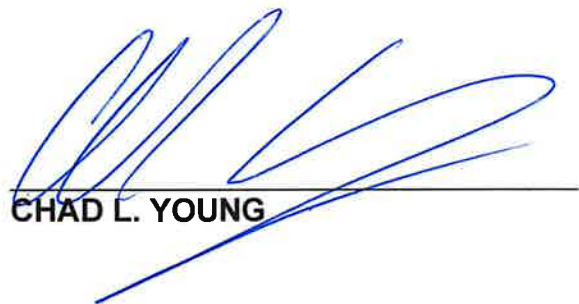
Depreciation and Contractor's Overhead and Profit to which he is entitled under Florida Law and the facts of this case.

5. Pursuant to section 627.427, Florida Statutes, "[e]very judgment or decree for the recovery of money entered in any of the courts of this state against any authorized insurer shall be fully satisfied within 60 days from and after the entry thereof..."

6. Universal had until October 3, 2023, to satisfy these judgments, which is 60 days from August 4, 2023, when the 2 money judgments were entered by the Court.

7. To date, neither the Plaintiff nor Danahy & Dunnavant, P.A., has received payment from Universal for these judgments in contravention of Fla. Stat. §627.427.

**FURTHER AFFIANT SAYETH NOT,**



CHAD L. YOUNG

**COUNTY OF HILLSBOROUGH**

**STATE OF FLORIDA**

**SWORN TO AND SUBSCRIBED** before me, the undersigned authority, by Chad L. Young, who is personally known or presented \_\_\_\_\_ as identification, and who, after being duly sworn, states that under penalty of perjury all the statements in this Affidavit are true and accurate, this \_\_\_\_ of October, 2023.



**KATY LYNN CAREY**  
Commission # HH 190204  
Expires November 5, 2025  
Bonded Thru Budget Notary Services



NOTARY PUBLIC  
My Commission Expires: November 5, 2025

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

CIVIL COURTS DIVISION

CLERK'S CERTIFICATE

CASE NUMBER

2022-5696-CA-01

PLAINTIFF

VS

DEFENDANT

CLOCK IN

Thomas J Cannon

V

Universal Property & Casualty

I, **HARVEY RUVIN**, Clerk of the Circuit and County Court of the Eleventh Judicial Circuit in and For Dade County, **Do Hereby Certify** that:

- According to the docket of case number 2022-5696-CA-01, on 8/4/2023 two (2) "Order Granting Motion for Summary Judgment" were filed for record bearing index numbers 141 and 142.
- According to the docket, neither a Satisfaction of Judgment nor a deposit was made into the Court Registry.
- An extensive search of the docket, electronic court file and its contents was conducted which did not produce said pleading or record of a deposit in said case.

In **Witness Whereof**, I have set my hand and affixed the Seal of the Said Court in Dade County, Florida, this 4th day of **October, 2023**.

HARVEY RUVIN  
CLERK OF COURTS

BY:

  
DEPUTY CLERK

 10/4/2023  
DATE

CIRCUIT CIVIL  
**CASE SUMMARY**  
**CASE NO. 2022-005696-CA-01**

**Thomas J Cannon**  
vs  
**Universal Property & Casualty Insurance Company**

§  
§  
§  
§  
§

Location: **Circuit Civil**  
Judicial Officer: **Section, CA 30**  
Magistrate: **@CVGM03, CVGM03**  
Filed on: **03/28/2022**  
State Case Number: **132022CA005696000001**

**CASE INFORMATION**

Case Type: **Insurance Claim**

Case Flags: **Jury Trial**

**DATE**

**CASE ASSIGNMENT**

**Current Case Assignment**

Case Number	2022-005696-CA-01
Court	Circuit Civil
Date Assigned	03/28/2022
Judicial Officer	Section, CA 30
Magistrate	@CVGM03, CVGM03






**PARTY INFORMATION**

<b>Plaintiff</b>	<b>Cannon, Thomas J</b>	<i>Lead Attorneys</i> <b>Matthew R Danahy</b> <i>Retained</i> 813-258-3600(W)
<b>Defendant</b>	<b>Universal Property &amp; Casualty Insurance Company</b>	<b>Gainey, Kariss Nicole</b> <i>Retained</i> 305-874-7337(W)

**DATE**


















**EVENTS & ORDERS OF THE COURT**

**INDEX**

03/27/2024	Calendar Call (1:30 PM) (Judicial Officer: Section, CA 30)	
11/28/2023	Special Sets (1:30 PM) (Judicial Officer: Section, CA 30) <i>Plaintiff's Motion to Determine Amount of Sanctions to be Entered Against Defendant and Incorporated Memorandum of Law</i>	
11/28/2023	<b>CANCELED</b> Special Sets (1:30 PM) (Judicial Officer: Section, CA 30) <i>Cancelled via courtMAP</i>	
09/25/2023	 Notice of Hrg Special Appt	<i>Index # 157</i>
09/25/2023	 Mediators Report	<i>Index # 158</i>
09/15/2023	 Notice of Filing: <i>G ITS AMENDED ANSWERS TO PLAINTIFFS FIRST SET OF INTERROGATORIES</i>	<i>Index # 156</i>
09/13/2023	 Defendants Certificate of Settlement Authority	<i>Index # 155</i>
09/07/2023	 Response: <i>TO DEFENDANT'S NOTICE OF TAKING DEPOSITION DUCES TECUM OF PLAINTIFF, THOMAS CANNON</i>	<i>Index # 154</i>
09/05/2023		



CIRCUIT CIVIL  
**CASE SUMMARY**  
CASE NO. 2022-005696-CA-01




















	 Plaintiff's Certificate of Settlement Authority	Index # 153
09/05/2023	 Amended Notice <i>OF MEDIATION TUESDAY, SEPTEMBER 19, 2023 AT 9:30 A.M.</i>	Index # 152
09/05/2023	<b>CANCELED Motion Calendar</b> (8:30 AM) (Judicial Officer: Section, CA 30) <i>Cancelled via courtMAP</i>	
09/04/2023	 Order: <i>GRANTING PLAINTIFF'S MOTION FOR ORDER TO SHOW CAUSE AND MOTION FOR SANCTIONS, ETC.</i>	Index # 150
09/01/2023	 Notice of Cancellation of Hearing	Index # 151
08/31/2023	 Response to Motion	Index # 149
08/31/2023	<b>Special Sets</b> (2:00 PM) (Judicial Officer: Section, CA 30) <i>Plaintiff's Motion for Order to Show Cause and Motion for Sanctions Based on Defendant's Failure to Comply With Court's Order of June 16, 2023, Requiring Universal to Provide Amended Answers to Plaintiff's First Interrogatories 3, 4, 5, 6, 7, 8, 9, 13, 14, and 15</i>	
08/28/2023	 Response to Motion	Index # 148
08/21/2023	 Motion for Attorneys Fees	Index # 147
08/21/2023	 Motion for Attorneys Fees	Index # 146
08/21/2023	 Motion for Attorneys Fees	Index # 145
08/17/2023	 Notice of Hearing- <i>September 5, 2023, at 8:30 a.m</i>	Index # 144
08/17/2023	 Motion: <i>FOR JUDGMENT ON THE PLEADINGS PURSUANT TO Cole v. Universal Prop. &amp; Cas. Ins. C</i>	Index # 143
08/04/2023	 Order Granting Motion for Summary Judgment	Index # 142
08/04/2023	 Order Granting Motion for Summary Judgment	Index # 141
08/04/2023	 Order Granting Motion for Summary Judgment	Index # 140
08/03/2023	 Amended Notice of Taking Deposition	Index # 139
07/26/2023	 Motion: <i>PLAINTIFFS MOTION TO SPECIAL SET ON TRIAL DOCKET COMMENCING APRIL 1, 2024</i>	Index # 138
07/26/2023	 Order Setting Jury Trial with Mediation Referral	Index # 137
07/26/2023	<b>Special Sets</b> (9:45 AM) (Judicial Officer: Section, CA 30)	

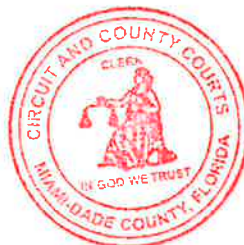





















CIRCUIT CIVIL  
**CASE SUMMARY**  
**CASE NO. 2022-005696-CA-01**

*Plaintiff's Motion for Summary Judgment Regarding Overhead and Profit; Plaintiff's Motion for Summary Judgment Regarding Recoverable Depreciation; Plaintiff's Motion for Summary Judgment Regarding Coverage A and Coverage C*

07/25/2023	 Response to Motion	Index # 136
07/21/2023	 Amended Motion to Strike Defendant's.	Index # 135
07/21/2023	 Notice of Production	Index # 134
07/21/2023	 Motion to Show Cause	Index # 133
07/19/2023	 Witness List	Index # 132
07/17/2023	 Motion to Strike Party: Plaintiff Cannon, Thomas J	Index # 131
07/11/2023	 Witness and Exhibit List	Index # 130
07/11/2023	 Cancellation Notice	Index # 129
07/10/2023	 Notice of Answer to Interrogatories	Index # 128
07/10/2023	 Response to Request for Production	Index # 127
07/10/2023	 Order on Motion to Compel	Index # 126
07/07/2023	 Notice of Taking Deposition	Index # 125
07/06/2023	 Notice of Hrg Special Appt	Index # 124
07/03/2023	 Motion to Strike Party: Plaintiff Cannon, Thomas J	Index # 123
06/29/2023	 Motion to Show Cause <i>AND MOTION FOR SANCTIONS BASED ON DEFENDANTS FAILURE TO COMPLY WITH COURTS ORDER OF JUNE 15, 2023, REQUIRING UNIVERSAL TO PROVIDE AMENDED ANSWERS TO PLAINTIFFS FIRST INTERROGATORIES 3, 4, 5, 6, 7</i>	Index # 122
06/29/2023	 Motion to Compel <i>BETTER ANSWERS TO SECOND SET OF INTERROGATORIES AND INCORPORATED MEMORANDUM OF LAW</i>	Index # 121
06/27/2023	 Notice of Compliance	Index # 119
06/27/2023	 Notice of Taking Deposition	Index # 120
06/16/2023	 Notice of Answer to Interrogatories	Index # 117




















CIRCUIT CIVIL  
**CASE SUMMARY**  
CASE NO. 2022-005696-CA-01

06/16/2023	 Notice of Answer to Interrogatories	Index # 116
06/16/2023	 Notice of Cancellation of Deposition <i>Robert Osborn</i>	Index # 118
06/16/2023	 Order: <i>DENYING DEFENDANT'S MOTIONS TO QUASH SUBPOENA DUCES TECUM, ETC.</i>	Index # 115
06/15/2023	 Order Granting Motion to Compel	Index # 114
06/07/2023	 Motion to Compel	Index # 113
05/31/2023	 Notice of Filing: <i>Amended Exhibit</i>	Index # 112
05/31/2023	 Motion: <i>TO DETERMINE AMOUNT OF SANCTIONS TO BE NETERED AGAINST DEFENDANT AND INCORPORATED MEMORANDUM OF LAW</i>	Index # 111
05/23/2023	 Notice of Hrg Special Appt <i>07-26-2023 at 9:45 AM via zoom</i>	Index # 110
05/22/2023	 Notice of Compliance <i>To Plaintiffs' Discovery Requests</i>	Index # 109
05/22/2023	 Motion for Summary Judgment	Index # 108
05/22/2023	 Notice of Filing: <i>Affidavit Of Pasquale Cuccaro In Support, Etc.</i>	Index # 107
05/12/2023	 Order: <i>GRANTING PLAINTIFF'S MOTION FOR ORDER TO SHOW CASUE AND MOTION FOR SANCTIONS, ETC.</i>	Index # 104
05/11/2023	 Motion for Summary Judgment	Index # 106
05/11/2023	 Notice of Filing: <i>AFFIDAVIT OF THOMAS J. CANNON</i>	Index # 105
05/09/2023	<b>Motion Calendar (8:30 AM)</b> (Judicial Officer: Section, CA 30) <i>Plaintiff's Motion For Order to Show Cause and Motion for Sanctions Based on Defendant's Failure to Comply With Court's Order of March 20, 2023 and Motion For Order to Show Cause Regarding Defendant's Failure to Respond to Plaintiff's Discovery</i>	
05/04/2023	 Notice of Mediation Conference	Index # 103
05/03/2023	 Order on Case Management Plan	Index # 101
05/03/2023	 Stipulation <i>JOINT STIPULATION TO EXTEND DEADLINES IN CASE MANAGEMENT ORDER (STREAMLINED PATHWAY)</i>	Index # 102














CIRCUIT CIVIL  
**CASE SUMMARY**  
**CASE NO. 2022-005696-CA-01**

05/03/2023	 Notice: <i>PLAINTIFFS' NOTICE OF FILING AFFIDAVIT OF HECTOR SICRE IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AGAINST DEFENDANT ON THE ISSUE OF LIABILITY FOR ADDITIONAL DAMAGES OWED UNDER COVERAGE"</i>	Index # 100
05/01/2023	 Motion for Summary Judgment	Index # 99
05/01/2023	 Notice of Filing: <i>AFFIDAVIT IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT</i>	Index # 98
05/01/2023	 Notice of Filing: <i>A FFIDAVIT OF PASQUALE CUCCARO IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AGAINST DEFENDANT ON THE ISSUE</i>	Index # 97
04/28/2023	<b>Special Sets (10:15 AM)</b> (Judicial Officer: Section, CA 30) <i>Plaintiff's Motion to Determine the Sufficiency of Defendant's Response to Plaintiff's First Request for Admissions Plaintiff's Motion to Compel Better Answers to First Set of Interrogatories and Incorporated Memorandum of Law Plaintiff's Motion to Compel Better Responses to Plaintiff's First Request for Production, Motion to Compel Better Privilege Log, and Memorandum of Law</i>	
04/27/2023	 Notice of Cancellation of Hearing	Index # 96
04/20/2023	 Notice of Filing: <i>Deposition of Alicia Mendez Representative of Universal Property.</i>	Index # 95
04/18/2023	 Amended Notice of Hearing	Index # 94
04/18/2023	 Notice of Hearing- <i>Hearing set for 5/9/23 at 8:30 AM.</i>	Index # 93
04/17/2023	 Motion for Sanctions	Index # 92
04/10/2023	 Privilege Log	Index # 91
04/10/2023	 Response to Request for Production	Index # 90
03/23/2023	 Email Notice: <i>(Amended) Primary Email Address: upciceservice09@universalproperty.com</i>	Index # 89
03/20/2023	 Order on Motion to Compel	Index # 88
03/20/2023	 Notice of Taking Deposition	Index # 87
03/13/2023	 Notice of Taking Deposition	Index # 86
03/09/2023	 Motion to Compel	Index # 85
03/07/2023	 Response to Request for Production	Index # 84






















CIRCUIT CIVIL  
**CASE SUMMARY**  
CASE NO. 2022-005696-CA-01

03/03/2023	<b>Special Sets (9:00 AM)</b> (Judicial Officer: Section, CA 30) <i>Defendant's Motion for Leave to Amend Answer and Affirmative Defenses to Plaintiff's Complaint; Plaintiff's Objection and Response to Defendant's Motion for Leave to Amend Answer and Affirmative Defenses to Plaintiff's Complaint and Memorandum of Law; Defendant's Motion to Quash Subpoena Duces Tecum Directed at Universal Adjusting Corporation (dba Alder Adjusting); Plaintiff's Objection and Response to Defendant's Motion to Quash Subpoena Duces Tecum Directed at Universal Adjusting Corporation (dba Alder Adjusting); Defendant's Motion to Quash Subpoena Duces Tecum Directed to Coastal Adjustment Services, Inc.; Plaintiff's Objection and Response to Defendant's Motion to Quash Subpoena Duces Tecum Directed to Coastal Adjustment Services, Inc.</i>	
02/28/2023	 Notice of Filing: <i>Deposition Transcript Of Jared McGreevey Dated February 10, 2023</i>	Index # 82
02/24/2023	 Amended Notice of Taking Deposition	Index # 83
02/21/2023	 Motion to Show Cause	Index # 81
02/13/2023	 Notice of Hrg Special Appt	Index # 79
02/09/2023	 Order Granting Motion to Compel	Index # 78
02/09/2023	 Notice of Production	Index # 77
02/09/2023	 Notice of Production	Index # 76
02/09/2023	 Notice of Production	Index # 75
02/09/2023	 Notice of Production	Index # 74
02/09/2023	 Notice of Production	Index # 73
02/09/2023	 Notice of Production	Index # 72
02/09/2023	 Notice of Production	Index # 71
02/09/2023	<b>Motion Calendar (8:30 AM)</b> (Judicial Officer: Section, CA 30) <i>Plaintiff's Motion to Compel Defendant to Designate Corporate Representative for Deposition</i>	
02/09/2023	<b>CANCELED Motion Calendar (8:30 AM)</b> (Judicial Officer: Section, CA 30) <i>Cancelled via courtMAP</i>	
02/08/2023	 Notice of Unavailability/absence	Index # 80
02/02/2023	 Motion: <i>To Determine The Sufficiency Of Defendant's Response, Etc.</i>	Index # 68
02/02/2023	 Motion to Compel <i>Better Answers To First Set Of Interrogatories, Etc.</i>	Index # 67
02/02/2023	 Motion to Compel	Index # 66






















CIRCUIT CIVIL  
**CASE SUMMARY**  
CASE NO. 2022-005696-CA-01

02/02/2023	 Request for Production	Index # 65
02/01/2023	 Notice of Hearing- 02/09/2023	Index # 70
01/31/2023	 Notice of Filing: <i>IN SUPPORT OF PLAINTIFF'S MOTION TO COMPEL DEFENDANT TO DESIGNATE CORPORATE REPRESENTATIVE(S) FOR DEPOSITION(S) PER FLA. CIV. P. 1.310(b)(6)</i>	Index # 69
01/24/2023	<i>CANCELED Motion Calendar (8:30 AM) (Judicial Officer: Section, CA 30) Cancelled via courtMAP Pl's Attorney is at a conference</i>	
01/17/2023	 Notice of Answer to Interrogatories	Index # 64
01/12/2023	 Motion to Compel	Index # 63
01/12/2023	 Amended Notice of Taking Deposition	Index # 62
01/12/2023	 Notice of Taking Video Deposition <i>AMENDED</i>	Index # 61
01/11/2023	 Notice of Taking Deposition	Index # 60
01/11/2023	 Notice of Taking Deposition	Index # 59
01/11/2023	 Notice of Hrg Special Appt	Index # 58
01/04/2023	 Notice of Hrg Special Appt	Index # 57
01/04/2023	 Response to Motion	Index # 56
01/04/2023	 Notice of Cancellation of Hearing	Index # 55
01/03/2023	 Notice of Hearing- <i>January 24, 2023 At 8:30AM Via Zoom</i>	Index # 54
12/13/2022	 Motion to Quash	Index # 53
12/09/2022	 Objection: <i>Plaintiff's objection etc...</i>	Index # 52
12/07/2022	 Objection: <i>Plaintiff's objection etc...</i>	Index # 51
12/02/2022	 Request for Copies	Index # 50
11/30/2022	 Notice:	Index # 49























CIRCUIT CIVIL  
**CASE SUMMARY**  
CASE NO. 2022-005696-CA-01

*Plaintiff's Amended.*

11/30/2022	 Notice of Production	<i>Index # 48</i>
11/30/2022	 Notice of Production	<i>Index # 47</i>
11/18/2022	 Order Extending Time for	<i>Index # 46</i>
11/17/2022	 Motion for Leave	<i>Index # 45</i>
11/15/2022	 Exhibit List	<i>Index # 44</i>
11/15/2022	 Witness List	<i>Index # 43</i>
11/01/2022	 Request for Production	<i>Index # 42</i>
11/01/2022	 Notice of Interrogatory	<i>Index # 41</i>
10/28/2022	 Motion to Quash Party: Defendant Universal Property & Casualty Insurance Company	<i>Index # 40</i>
10/27/2022	 Order on Motion to Strike <i>Agreed</i>	<i>Index # 35</i>
10/27/2022	 Notice of Cancellation of Hearing	<i>Index # 39</i>
10/27/2022	 Motion for Extension of Time Party: Plaintiff Cannon, Thomas J	<i>Index # 38</i>
10/27/2022	<b>CANCELED Special Sets (2:45 PM)</b> (Judicial Officer: Section, CA 30) <i>Cancelled via courtMAP Resolved; Agreed Order submitted</i>	
10/26/2022	 Notice: <i>OF WITHDRAWAL OF NOTICE OF PRODUCTION TO NON-PARTIES</i>	<i>Index # 37</i>
10/25/2022	 Response to Motion <i>TO STRIKE AFFIRMATIVE DEFENSES</i>	<i>Index # 36</i>
10/19/2022	 Notice of Unavailability/absence	<i>Index # 34</i>
10/03/2022	 Notice of Production	<i>Index # 33</i>
10/03/2022	 Notice of Production	<i>Index # 32</i>
10/03/2022	 Notice of Production	<i>Index # 31</i>
10/03/2022	 Notice of Production	<i>Index # 30</i>



CIRCUIT CIVIL  
**CASE SUMMARY**  
CASE NO. 2022-005696-CA-01

09/15/2022	 Motion to Compel	Index # 29
08/08/2022	 Notice of Hrg Special Appt	Index # 28
08/04/2022	 Privilege Log	Index # 27
08/04/2022	 Response to Request for Production	Index # 26
08/04/2022	 Notice of Answer to Interrogatories	Index # 25
08/04/2022	 Response to Request for Admissions	Index # 24
08/01/2022	 Order Setting CM Deadline	Index # 23
07/05/2022	 Request for Production	Index # 22
07/05/2022	 Request for Admissions	Index # 21
07/05/2022	 Notice of Interrogatory	Index # 20
07/01/2022	 Notice of Compliance	Index # 19
06/21/2022	 Notice of Unavailability/absence	Index # 18
06/21/2022	 Notice of Filing: <i>Plaintiff's Exhibit "A"</i>	Index # 17
06/17/2022	 Notice of Compliance	Index # 16
06/14/2022	 Motion to Strike	Index # 15
05/26/2022	 Answer and Demand for Jury Trial Party: Defendant Universal Property & Casualty Insurance Company	Index # 14
05/13/2022	 Notice of Appearance Party: Attorneys Cleary, Andrea Davis; Defendant Universal Property & Casualty Insurance Company	Index # 13
05/03/2022	 Notice of Filing: <i>Notice of Process</i>	Index # 12
04/05/2022	<b>20 Day Summons Issued</b> Universal Property & Casualty Insurance Company Unservd	
04/05/2022	 ESummons 20 Day Issued <i>Re: Index # 9.</i>	Index # 11
03/29/2022	 (M) 20 Day (C) Summons (Sub) Received	Index # 9





CIRCUIT CIVIL  
**CASE SUMMARY**  
CASE No. 2022-005696-CA-01

03/28/2022	📄 Request for Production	<i>Index # 6</i>
03/28/2022	📄 Notice of Interrogatory	<i>Index # 5</i>
03/28/2022	📄 Request for Admissions	<i>Index # 4</i>
03/28/2022	📄 Complaint	<i>Index # 3</i>
03/28/2022	📄 Copy of: <i>COPY</i>	<i>Index # 2</i>
03/28/2022	📄 Civil Cover Sheet - Claim Amount Amount: 100,001.00	<i>Index # 1</i>

DATE	FINANCIAL INFORMATION	
	<b>Plaintiff</b> Cannon, Thomas J	
	Total Charges	411.00
	Total Payments and Credits	411.00
	<b>Balance Due as of 10/4/2023</b>	<b>0.00</b>

STATE OF FLORIDA, COUNTY OF MIAMI-DADE  
I HEREBY CERTIFY that the foregoing is a true and correct copy of the  
Original on file in this office 10-4- AD 20 23  
LUIS G. MONTALDO, Clerk Ad Interim of Circuit and County Courts  
Deputy Clerk OC 29664





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

CASE NO: 2022-005696-CA-01

SECTION: CA30

JUDGE: Reemberto Diaz

**Thomas J Cannon**

Plaintiff(s)

vs.

**Universal Property & Casualty Insurance Company**

Defendant(s)

\_\_\_\_\_ /

**ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT  
REGARDING RECOVERABLE DEPRECIATION**

This matter, having come before the Court for hearing on July 26, 2023 upon Plaintiff's Motion For Summary Judgment Regarding Recoverable Depreciation and the Court having reviewed the record evidence, heard argument of counsel and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED as follows:

1. Plaintiff's Motion is **GRANTED**.
2. Based on all the record evidence and the court file, including the affidavit of Plaintiff and documents reflecting that the insured property has been fully repaired, the court finds there is no genuine of material fact and that the movant is entitled to judgment as a matter of law.
3. The Policy requires Defendant to issue payment for withheld depreciation to Plaintiff when repairs are complete.
4. Defendant breached the policy by withholding and failing to pay the depreciation to Plaintiff once it was provided proof of repairs.
5. Defendant shall pay Plaintiff the withheld depreciation reflected in its estimate of damages in



the amount of \$7,039.08.

6. The judgment amount of \$7,039.08 shall bear interest at the legal rate, for which let execution issue forthwith.

**DONE** and **ORDERED** in Chambers at Miami-Dade County, Florida on this 4th day of August, 2023.



2022-005696-CA-01 08-04-2023 12:54 PM

Hon. Reemberto Diaz

**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.

**Electronically Served:**

ANDREA Cleary, adcleary1463@gmail.com  
ANDREA Cleary, adcleary1463@gmail.com  
ANDREA Cleary, adcleary1463@gmail.com  
Kyle Jude Stewart, upcicservice09@universalproperty.com  
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Matthew R Danahy, matt@danddlaw.com  
Matthew R Danahy, kathy@danddlaw.com  
Matthew R Danahy, service@danddlaw.com

**Physically Served:**

STATE OF FLORIDA, COUNTY OF MIAMI-DADE  
I HEREBY CERTIFY that the foregoing is a true and correct copy of the  
Original on file in this office 10-4 AD 20 23  
LUIS G. MONTALDO, Clerk Ad Interim of Circuit and County Courts  
Deputy Clerk CC29669



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

CASE NO: 2022-005696-CA-01

SECTION: CA30

JUDGE: Reemberto Diaz

**Thomas J Cannon**

Plaintiff(s)

vs.

**Universal Property & Casualty Insurance Company**

Defendant(s)

**ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT  
REGARDING DEFENDANT'S FAILURE TO PAY CONTRACTORS' OVERHEAD AND  
PROFIT**

This matter, having come before the Court for hearing on July 26, 2023, upon Plaintiff's Motion For Summary Judgment Regarding Defendant's Failure to Pay Contractors' Overhead and Profit, and the Court having reviewed the record evidence, heard argument of counsel and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED as follows:

1. Plaintiff's Motion for Summary Judgment is **GRANTED**.
2. The court find that there is no genuine issue of material fact, and the movant is entitled to judgment as a matter of law
3. The record evidence, including the affidavit of Hector Sire (Plaintiff's retained contractor), the affidavit of Pasquale Cuccaro (Plaintiff's public adjuster), the deposition testimony of Jared McGreevy (Defendant's field adjuster), and the deposition of Alicia Melendez (Defendant's corporate representative) reflects it was reasonably likely that the insured would need the services of a general contractor to make repairs, and that Defendant did not



issue any payment for general contractors' overhead and profit to Plaintiff contrary to Florida Law.

4. The evidence is un rebutted and unopposed that Defendant breached the contract by withholding and failing to pay general contractors' overhead and profit on its actual cash value claim payment to Plaintiff.
5. The court finds that 10% overhead and 10% profit are owed to Plaintiff, and based on the damages estimate prepared by Jared McGreevy relied on by Defendant to issue its payments for Plaintiff's claim, the overhead and profit should have been paid in the actual cash value amount of \$5,043.97 and, once repairs were made, in the replacement value cost value amount of \$6,451.78.
6. Given the fact that the recorded evidence shows that repairs to the property are now complete, Defendant shall pay issue the replacement cost value of the withheld overhead and profit in the amount of \$6,451.78.
7. The judgment amount of \$6,451.78 shall bear interest at the legal rate, for which let execution issue forthwith.

**DONE and ORDERED** in Chambers at Miami-Dade County, Florida on this 4th day of August, 2023.



2022-005696-CA-01 08-04-2023 12:54 PM

Hon. Reemberto Diaz

**CIRCUIT COURT JUDGE**

Electronically Signed

STATE OF FLORIDA, COUNTY OF MIAMI-DADE  
I HEREBY CERTIFY that the foregoing is a true and correct copy of the  
Original on file in this office 10-4 AD 20 23  
LUIS G. MONTALDO, Clerk Ad Interim of Circuit and County Courts  
Deputy Clerk Ce 219669



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.

**Electronically Served:**

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