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

GENERAL JURISDICTION DIVISION

RONALD BARTOLEC,

CASE NO: 2018-024252 CA 01

Plaintiff,

vs.

UNITED PROPERTY & CASUALTY
INSURANCE COMPANY,

Defendant.

/

PLAINTIFF'S MOTION FOR JUDICIAL ENTRY OF DEFAULT JUDGMENT

Plaintiff, RONALD BARTOLEC, by and through his undersigned counsel, and pursuant to the Florida Rules of Civil Procedure, hereby files this Motion for Judicial Default and in support thereof states as follows:

1. Plaintiff initiated this action by way of a four (4) count Complaint filed on or about July 18, 2018. In response to Plaintiff's Complaint Defendant filed a frivolous Motion to Dismiss Plaintiff's Complaint as a Sham Pleading; same was eventually denied without hearing on February 5, 2019. See Order, dated February 5, 2019, attached as Exhibit "A."

2. Although Defendant filed a Motion to Strike, this Motion **does not toll the time to file a responsive pleading**. Additionally, Defendant's Motion has been denied and the Court Ordered a responsive document be filed no later than February 15, 2019. See Exhibit "A."

3. On or about March 7, 2019, Defendant filed an untimely Answer to Count I of the Complaint along with its Affirmative Defenses; however, Count II, Count III, and Count IV have not been addressed and have now been standing without response for the last eight months.

4. As Defendant has failed to Answer or otherwise file an avoidance or denial to Count II, Count III, or Count IV Plaintiff respectfully requests that Default Judgment be entered on these Counts and that this matter proceed to final adjudication on Count I.

5. Plaintiff also requests this Court assess sanctions against Defendant and/or Defendant's counsel for willful ignorance of this Court's Order and for Plaintiff's counsel's time in bringing the instant Motion and setting same for hearing, simply to move this case toward resolution.

WHEREFORE, Plaintiff, RONALD BARTOLEC, respectfully requests that this Honorable Court enter Default Judgment on Count II, Count III, or Count IV, and for all other relief this court deems just and proper.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that on the 8th day of March, 2019, we electronically filed this Notice of Filing with the Clerk of the Courts using the *Florida Courts E-Filing Portal*. We also certify that the foregoing document is being served this day on mapacker@mdwcg.com; ssrodriguez@mdwcg.com; pleadingsFTL@mdwcg.com by the *Florida Courts E-Filing Portal*.

PERRY & NEBLETT, P.A.

2550 South Bayshore Drive Suite 211

Miami, Florida 33133

Telephone: (305) 856-8408

Facsimile: (305) 967-8182

david@perryneblett.com

jmahaffey@perryneblett.com

terry@perryneblett.com

By: /s/ David Avellar Neblett

DAVID AVELLAR NEBLETT, ESQ., B.C.S.

FL. Bar No.: 526371

JAMES M. MAHAFFEY III, ESQ.

FL. Bar No.: 1055353

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

CIRCUIT CIVIL DIVISION

**CASE NO. 2018-024252-CA-01
SECTION: CA 13**

RONALD BARTOLEC
Plaintiff,

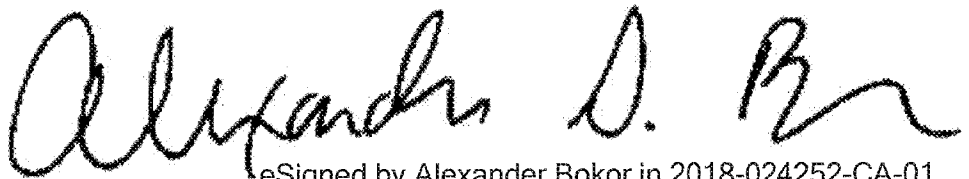
vs.

UNITED PROPERTY & CASUALTY INSURANCE COMPANY
Defendant.

Order Denying Defendant's Verified Motion to Strike Complaint as Sham Pleading

Defendant filed a verified motion to strike the complaint as a sham pleading. Taking no position on the underlying factual allegations, the motion to strike is **DENIED without prejudice**. Defendant may raise the argument, as necessary and appropriate, in a response or other motion. Accordingly, the Defendant shall respond to the operative complaint within 10 days of the date of this order.

DONE AND ORDERED in chambers, at Miami-Dade County, Florida, this 5th day of February, 2019.



eSigned by Alexander Bokor in 2018-024252-CA-01
on 02/05/2019 09:21:05 JWGzNYBr

Alexander Bokor
CIRCUIT COURT JUDGE

EXHIBIT "A"

No Further Judicial Action Required on THIS MOTION. CLERK TO RECLOSE CASE IF POST JUDGMENT.

Electronic Service List:

David Neblett <david@perryneblett.com>, <jmahaffey@perryneblett.com>, <tlevy@perryneblett.com>

Michael A Packer <mapacker@mdwccg.com>, <PleadingsFTL@mdwccg.com>

Susana Rodriguez <ssrodriguez@mdwccg.com>, <pleadingsftl@mdwccg.com>

Susana Rodriguez <ssrodriguez@mdwccg.com>, <hleitner@mdwccg.com>, <pleadingsftl@mdwccg.com>

Susana Rodriguez <rodriguez@kpwlaw.com>

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