

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT IN
AND FOR HERNANDO COUNTY, FLORIDA

CONRAD RITTWEGER and
JANIE RITTWEGER,
Plaintiffs,

Case No: H-27-CA-2007-110

vs.

STATE FARM FLORIDA
INSURANCE COMPANY,
Defendant.

ORDER ON PLAINTIFF'S CROSS MOTION FOR SUMMARY JUDGMENT ON LEGAL SUFFICIENCY OF CIVIL REMEDY NOTICE AND ORDER ON DEFENDANT'S REQUEST FOR ENTRY OF SUMMARY JUDGMENT AND MOTION FOR FINAL SUMMARY JUDGMENT

THIS CAUSE comes before this Court on Plaintiff's Cross Motion for Summary Judgment on Legal Sufficiency of Civil Remedy Notice filed on June 2, 2011 in response to Defendant's Answer and Affirmative Defenses to Counts I and II of the Complaint and Motion to Dismiss Count III of the Amended Complaint. This Court having reviewed the Plaintiff's Motion, the Defendant's Response in Opposition to Plaintiff's Cross Motion for Summary Judgment on the Legal Sufficiency of the Civil Remedy Notice and Request for Entry of Summary Judgment, the Defendant's Motion for Final Summary Judgment, the file, having held a hearing regarding said matters, and being otherwise fully informed in the premises, whereby it is

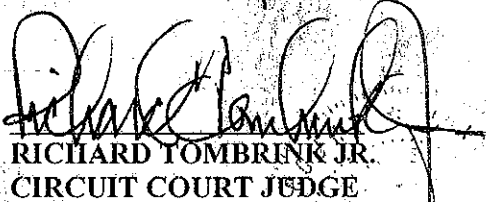
ORDERED AND ADJUDGED that Plaintiff's Cross Motion for Summary Judgment on the Legal Sufficiency of the Civil Remedy Notice is hereby **GRANTED**, as the Court determines that Plaintiffs' Civil Remedy Notice meets at least the bare legal requirements specified under Fla. Stat. §624.155(3). The Court makes no ruling on the subjective intent of the Plaintiff regarding the Civil Remedy Notice provided to the Defendant, or whether the Civil Remedy Notice itself was offered in "good faith" and consistent with the spirit and intent of the statute as further defined by case law. Such matter, if otherwise legally appropriate, will be an issue for the jury to decide at trial.

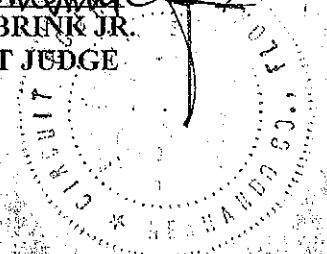
IT IS FURTHER ORDERED AND ADJUDGED that Defendant's Request for Entry



of Summary Judgment contained within its Response in Opposition to Plaintiff's Cross Motion for Summary Judgment on the Legal Sufficiency of the Civil Remedy Notice and Defendant's Motion for Final Summary Judgment are hereby **DENIED**, as neither the statute nor the case law specifically require or make mandatory that a specific monetary "cure amount" be stated within the Civil Remedy Notice or that specific policy language be referenced as a condition precedent before bring a bad faith claim.

DONE AND ORDERED in chambers, Hernando County, Florida, on this 26th day of January, 2012.


RICHARD TOMBRINK JR.
CIRCUIT COURT JUDGE



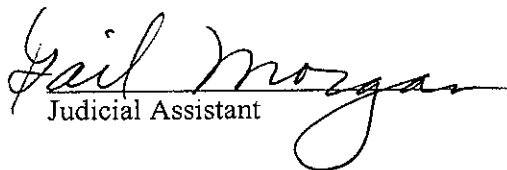
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to the following individuals by hand delivery and/or U.S. Mail/Courthouse box delivery this 26th day of January, 2012:

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