

IN THE FLORIDA SUPREME COURT

CASE NO.: SC19-1394

CITIZENS PROPERTY
INSURANCE CORPORATION,

Petitioner,

v.

MANOR HOUSE LLC, OCEAN VIEW
LLC, MERRITT LLC,

Respondents.

**UNITED POLICYHOLDER'S UNOPPOSED MOTION FOR LEAVE TO
APPEAR AS *AMICUS CURIAE* IN SUPPORT OF RESPONDENTS**

UNITED POLICYHOLDERS (“UP”) hereby moves this Honorable Court for leave to file a brief as *amicus curiae* in support of the respondents MANOR HOUSE LLC, OCEAN VIEW LLC, and MERRITT LLC, pursuant to Florida Rule of Appellate Procedure 9.370(a), and in support states as follows:

1. UP is a national 501(c)(3) non-profit organization that has been a trusted source of information and a respected voice for insurance consumers since 1991. UP serves Florida residents through a Roadmap to Preparedness and a Roadmap to Recovery program and through problem-solving collaboration with the Florida Office of Insurance Regulation. UP is connected with the Florida Office of Insurance Regulation through its role as an official consumer

RECEIVED, 03/03/2020 01:13:29 PM, Clerk, Supreme Court

representative to the National Association of Insurance Commissioners. UP promotes best practices with regard to insurance claim handling and the overall functioning of the U.S. insurance marketplace.

2. On August 2, 2019, the Fifth District Court of Appeal certified the following question as one of great public importance to this Honorable Court:

IN A FIRST-PARTY BREACH OF INSURANCE CONTRACT ACTION BROUGHT BY AN INSURED AGAINST ITS INSURER, NOT INVOLVING SUIT UNDER SECTION 624.155, FLORIDA STATUTES, DOES FLORIDA LAW ALLOW THE INSURED TO RECOVER EXTRA-CONTRACTUAL, CONSEQUENTIAL DAMAGES?

3. As evidenced by the district court's certification of the issue as one of great importance, this case represents a case that may substantially affect policyholders statewide.

4. UP has extensive knowledge about how commercial and individual policyholders rely on insurance benefits when adversity strikes, and the spectrum of financial harm that results when those benefits do not flow as anticipated. UP has knowledge that can assist this Court in the disposition of the case.

5. A significant number of policyholders may be adversely affected should this Court answer the certified question in the negative.

6. UP requests leave of this Court to file a brief as *amicus curiae*, in support of respondents, addressing the implications of the certified question for Florida policyholders.

7. The undersigned has contacted counsels for all parties, and is authorized to represent that the parties do not object to UP's appearance as *amicus curiae* in the instant case.

WHEREFORE, UNITED POLICYHOLDERS hereby requests that this Court enter an order permitting it to file a brief as *amicus curiae* in support of respondents, pursuant to Florida Rule of Appellate Procedure 9.370(a).

Respectfully submitted,

/s/ Matthew B. Weaver

R. Hugh Lumpkin

Florida Bar No. 308196

hlumpkin@reedsmith.com

Matthew B. Weaver

Florida Bar No. 42858

mweaver@reedsmith.com

Noah S. Goldberg

Florida Bar No. 1008316

REED SMITH LLP

1001 Brickell Bay Drive, Suite 900

Miami, Florida 33131

Telephone: (786) 747-0200

Facsimile: (786) 747-0299

Attorneys for United Policyholders

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via E-PORTAL on 3rd day of March, 2020, to all counsel listed on the attached service list.

/s/ Matthew B. Weaver _____

Matthew B. Weaver

Florida Bar No. 42858

SERVICE LIST

Christopher N. Mammel, Esq.
Merlin Law Group
222 Lakeview Avenue, Suite 950
West Palm Beach, FL 33401-6173
cmammel@merlinlawgroup.com
Counsel for Respondents

J. Pablo Caceres, Esq.
Butler, Weihmuller, Katz & Craig,
LLP
400 N. Ashley Drive, Suite 2300
Tampa, FL 33602-4305
pcaceres@butler.legal
eservice@butlerlegal
Counsel for Petitioner

Derek Angell, Esq.
O'Conner & O'Conner, LLC
800 N. Magnolia Ave., Suite 1350
Orlando, FL 32803
dangell@oconlaw.com
Counsel for FDLA

Alexander L. Brockmeyer, Esq.
Boyle & Leonard, P.A.
2050 McGregor Blvd.
Fort Myers, FL 33901
Eservice@insurance-counsel.com
ABrockmeyer@Insurance-Counsel.com
ESarver@Insurance-Counsel.com
Counsel for Respondents

Kara Berard Rockenbach, Esq.
Link & Rockenbach, PA
1555 Palm Beach Lakes Blvd.,
Suite 930
West Palm Beach, FL 33401
kara@linkrocklaw.com
david@linkrocklaw.com
troy@linkrocklaw.com
Counsel for Petitioner

Kansas R. Gooden
BOYD & JENERETTE, P.A.
11767 S. Dixie Hwy, #274
Miami, FL 33156
Tel: (305) 537-1238
Fax: (904)493-5658
kgooden@boydjen.com
*As Chair of the Amicus Curiae
Committee of the FDLA*