



In Loving Memory of Michael Sundance Walsh – Our Partner, Our Colleague, Our Friend

It is with profound sadness that we announce the passing of our partner, colleague, and dear friend, Michael Sundance Walsh, on July 1, 2024. Mike was not only a remarkable attorney whose contributions, dedication, and spirit helped shape our journey and success, he was a cherished friend who had a smile for absolutely everyone.

Mike was one of a kind, and for over 25 years at KD, where he started as an associate and ultimately became an equity partner, his commitment to excellence and unwavering advocacy for our clients earned him the respect and admiration of colleagues, judges, clients, and his very devoted team. But it was sense of humor, genuine kindness, and desire to befriend everyone, that set him apart. He was the life of the party, always ready with a joke, and had more friends than one could count.

Newsletter Highlights

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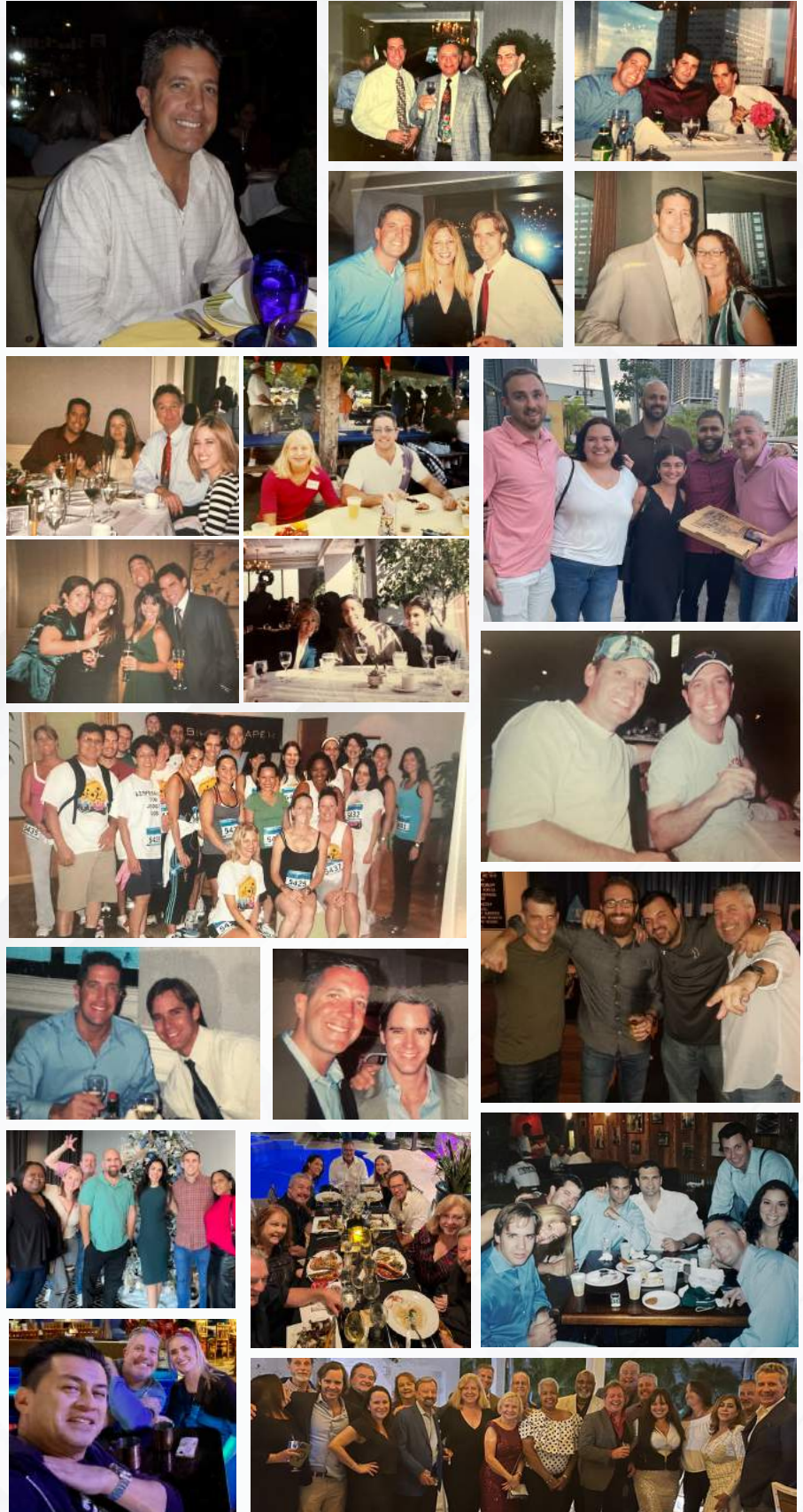
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In Loving Memory of Michael Sundance Walsh – Our Partner, Our Colleague, Our Friend Continued...

Mike was born in Worcester, Massachusetts, graduated from the University of Massachusetts in Amherst, and earned his Juris Doctorate Degree from St. Thomas University. He was a faithful and vociferous Celtics and Patriots fan, always ready to prove their prowess to anyone at any time. He had a soft spot for animals, and was a steadfast supporter of local shelters and the Humane Society.

Mike enriched our lives in countless ways. As we mourn this tremendous loss, we also celebrate Mike's life and legacy. We invite clients, colleagues, and friends to join us in honoring Mike's memory.

In these difficult times, our thoughts and prayers are with Mike's family. We extend our deepest condolences to them and ask that you keep them in your thoughts as well.



APPELLATE RESULTS

First DCA Holds UM Insurer Need Not Plead Tortfeasor Setoff As Affirmative Defense

In *Hale v. Geico General Insurance Company*, **Caryn Bellus** and **Ben Carter**, of our Miami office, obtained an affirmance of a final judgment for Geico in an underinsured motorist case where the tortfeasor's liability limits exceeded the insured's damages. After the accident, the insured initially pursued a claim under the tortfeasor's policy, but later abandoned it and made a claim under his UM policy with Geico. Geico denied that the tortfeasor was an underinsured motorist and asserted that the insured's damages were within the tortfeasor's policy limits of \$25,000. After trial, the jury awarded the insured a total of \$17,000 in damages, and the trial court entered final judgment for the insured. In a post-trial motion, Geico moved to setoff the verdict by the tortfeasor's policy limits, and to amend the final judgment in Geico's favor because the tortfeasor's limits exceeded the insured's damages. The trial court granted the motion and entered final judgment for Geico. On appeal, the insured argued Geico waived the setoff by not adequately pleading it as an affirmative defense, and that Geico failed to demonstrate the tortfeasor's policy limits were "available" to him. The First DCA rejected both arguments, holding that Florida's UM statute, (§)627.727, entitles a UM insurer to a credit against total damages in the amount of the tortfeasor's liability policy, but does not require the insurer to plead the setoff as an affirmative defense. Thus, Geico did not waive its setoff entitlement, which was properly asserted in a post-trial motion. And, because the insurer is entitled to the setoff regardless of whether the full amount of the tortfeasor's liability limits have been paid to the insured, the trial court properly amended the final judgment in favor of Geico.



Second DCA Affirms Summary Judgment for Insurer Due to Noncompliant Assignment of Benefits

In *Holding Insurance Companies Accountable, LLC, a/a/o Parnell Dickinson v. American Integrity Insurance Company of Florida*, **Caryn Bellus** and **Ben Carter**, of our Miami office, obtained an affirmance of a summary judgment in a first-party property case brought by an assignee where the assignment did not comply with (§)627.7152. The assignee argued that the statute, which applies to assignments to or from a person "providing services to protect, repair, restore, or replace property, or to mitigate against further damage to property" did not apply to the subject assignment, because the assignee only sought to recover money on the insured's claim, and did not provide any actual repair services. However, both the assignment and the assignee's complaint provided for any money recovered to be paid in accordance with a separate direction to pay contract for a new roof. The trial court found this was enough to trigger the statute and entered summary judgment for the insurer. On appeal, the assignee argued that the plain language of the statute showed it only applies to assignees who perform repairs, and the "service" of filing a lawsuit to collect benefits is beyond the statute's reach. Relying on the time-tested rule of "if it looks like a duck, and quacks like a duck, then it is a duck," Caryn and Ben argued that by seeking insurance benefits that would be used to repair the property, HICA was providing "services" as part of the insured's effort to repair the property, and thus had to comply with the statute. Shortly after oral argument, the Second District affirmed.

Appellate Court Reverses Where Summary Judgment Was Granted On Unpled Claim

In *Florida Insurance Guarantee Association v. Feijoo*, 49 Fla. L. Weekly D801 (Fla. 3d DCA 2024), **Caryn Bellus** and **Barbara Fox**, of our Miami office, obtained a reversal of a summary judgment. Plaintiff amended the complaint to name FIGA after Windhaven Insurance Company was declared insolvent. After FIGA tendered full payment, plaintiff sought summary judgment under its declaratory judgment claim for improper policy cancellation, but asserted, outside the pleading, that it was entitled to a declaration regarding the policy's validity and effectiveness on the date of loss. The appellate court found the two claims to be substantially different and held summary judgment was improperly entered on a claim that was never pled.

TRIALS & MOTIONS

Defense Verdict in Veterinary Case

Michael Carney and **Victoria Lopez** of our Fort Lauderdale office, along with **Samuel Lea**, of our Orlando office, secured a complete defense verdict after a week-long trial in Key West. The case involved multiple claims against a veterinary practice and its principals, including allegations of defamation, intentional infliction of emotional distress, malicious prosecution, fraud, and violations of the Florida Deceptive and Unfair Trade Practices Act (FDUTPA). The KD team was brought in to handle the defense after the case was transferred from another firm when it became clear that a jury trial would be necessary. Following the no-liability verdict and final judgment obtained on behalf of our clients, the plaintiff now faces potential exposure for attorneys' fees and costs due to an expired proposal for settlement.



Arbitration Victory in Homeowners Insurance Dispute

Kameron Romaele, of our Ft. Lauderdale office, secured a defense verdict in a non-binding arbitration, leading to a voluntary dismissal with prejudice in a homeowner insurance matter. Originally set for trial, the dispute involved a claim of over \$40,000 for damages from an A/C leak. Despite initial denial due to seepage issues, Kameron effectively used engineer findings and the insured's testimony to refute the plaintiff's less compelling evidence, including their citation of our own engineer's study. The arbitrator awarded a defense verdict, prompting the plaintiff to request a walk away and a dismissal with prejudice was filed shortly after.



Eli Marger Successfully Defends Condo Water Leak Case

Eli Marger, of our Tampa office, won a summary judgment on claims brought by a condominium unit owner for negligence and res ipsa loquitur stemming from a sudden, high-volume water leak at the condominium building which had been vacant for two months due to a fire. Through discovery, Eli established his client – an upstairs unit owner – had no prior notice of a potential plumbing issue and that the precise cause of the failure was never determined. After two hearings on the motion for summary judgment, the judge granted the motion on Eli's arguments for no duty and no applicability of res ipsa loquitur.

TRIALS & MOTIONS



Successful Verdict in Duval County Auto Accident

Kendra Therrell and **Stacie Morales**, of our Jacksonville office, with assistance from some of their team members, achieved an excellent verdict in a Duval County case. The case involved a disputed liability lane merge accident that resulted in \$975.00 in property damage to the plaintiff's vehicle. The plaintiff was 17 years old at the time of the crash and 20 years old at the trial. The plaintiff's past medical expenses amounted to \$285,488, including multiple cervical ablations performed by Dr. Sherban. Additionally, the plaintiff's life care plan projected for \$2.2 million over a 57-year life expectancy. Over five days, the jury heard testimony from plaintiff's treating doctors, radiologists, and life care planner. The defense presented testimony from their CME doctor and radiologist and played over an hour of surveillance footage showing the plaintiff engaged in activities such as pressure washing. In closing arguments, the plaintiff requested over \$13 million in damages. After five hours of deliberation, the jury found 45% liability on the defendant and 55% liability on the plaintiff, awarding the plaintiff the past medical expenses (\$285,488) but no future medical expenses or pain and suffering.

MSJ Win Following a Successful Motion for Reconsideration in Sidewalk Trip and Fall Case

William Backer and **Joye Walford**, of our Tampa office, received final summary judgment in a premises liability case involving a trip and fall on an uneven sidewalk in a residential subdivision. William and Joye argued that the minimal elevation difference ($\frac{1}{4}$ to $\frac{1}{2}$ inch) between sidewalk slabs was open and obvious, and not inherently dangerous as a matter of law. The plaintiff claimed the sidewalk violated four codes, two of which were county ordinances, but did not produce the codes. The trial court initially granted summary judgment for the negligent failure to warn claim but denied it as to the count alleging negligent failure to reasonably maintenance the sidewalk, citing a possible Life Safety Code violation. William and Joye filed for reconsideration, arguing the court considered evidence not in the record. The plaintiff abandoned her reliance on the Life Safety Code and two other codes, introducing a new code and one not adopted by the ordinance, requesting judicial notice of these codes. The court granted reconsideration, refused to consider the new code, and held that judicial notice was improper for the non-adopted code. Without evidence of a code violation, the court granted full final summary judgment.

TRIALS & MOTIONS

Complete Defense Verdict in Hurricane Case

Sarah Goldberg and **Charles Watkins**, of our Miami office, obtained a complete defense verdict in a hotly contested Hurricane Irma full denial case. The plaintiff homeowner filed a lawsuit for breach of contract after her Hurricane Irma claim was denied in 2018. Plaintiff reported damage approximately 9 months after the storm, when a bedroom ceiling collapsed. Plaintiff hired a mitigation company three times between June 2018 and June 2020. At trial, plaintiff sought six figures for roof replacement and interior damage, while the mitigation company sought over \$50,000 for its services. The lawsuit exposed the Defendant insurance carrier to potential fees in the hundreds of thousands, and likely a multiplier. After a four-day trial, the jury ruled in favor of the insurance carrier finding that plaintiff failed to prove Hurricane Irma caused the damage. Plaintiff unsuccessfully tried to exclude photos of a similar prior claim several times. Sarah's skillful cross-examination revealed the prior claim damaged the same areas, and she demonstrated plaintiff's dishonesty about the prior loss. The coup de grâce came when Charles pounced on the overreach of plaintiff's attorney and forced plaintiff's expert to read into evidence his testimony that the repairs did not meet code – this, after hours of refusing to directly answer questions. The insurance carrier's expert showed the roof had no wind damage wind damage but rather repeated problems due to improper repair. Demonstratives illustrated and convinced the jury what real wind damages looked like with this type of roof. With over five years of litigating numerous issues concerning expert testimony, dozens of Motions in Limine, prior claim photographs, the application, and burden shifting for trial, this trial win resulted in a huge cost savings for the carrier of multiple six figures.

Favorable Verdict in Uninsured Motorist Trial

Gregory Prusak, of our Orlando office, secured a favorable verdict after a four-day uninsured motorist (UM) trial. The plaintiff claimed injuries from a minor collision in 2019 but continued to lead an active lifestyle, including frequent vacations and full-time work. Despite the plaintiff's demand for \$500,000, the jury awarded only \$75,000, highlighting inconsistencies in the evidence presented. This success was made possible through Greg's skillful strategy and the invaluable support of attorney Ryan Elias, and the rest of his dedicated team including assistant, Isabel Perez, and paralegals, Brandon Paquette and Nancy Ashmore.



Summary Judgment Secured for Wind Claim Trial

Kareny Montan, of our Miami office, prevailed on a summary judgment motion for our client, a homeowners' insurer. Plaintiff, a shrink wrap installation company, sued the insurer for alleged services performed under an assignment of benefits for a non-covered wind claim. Before filing the lawsuit, plaintiff failed to provide the insurer with a timely Notice of Intent to Initiate Litigation per Florida Statutes, (§)627.7152. Kareny filed a compelling motion for summary judgment based upon plaintiff's failure to file a timely Notice of Intent to Initiate Litigation. She obtained crucial testimony from the plaintiff's Corporate Representative confirming that plaintiff did not have a Notice of Intent to Initiate Litigation in its file. Plaintiff then attempted to "comply" by submitting a Notice of Intent to Initiate Litigation in the middle of litigation.

During the hearing, Kareny argued that this late attempt to comply with the statute's requirements further proves that plaintiff did not provide their notice before filing suit as required by Florida Statute. The Court agreed and granted summary judgment in the insurer's favor.

TRIALS & MOTIONS

Summary Judgment Secured in a Construction Defect Case

Victor Genchi, of the West Palm Beach, office obtained Summary Judgment in a construction defect case involving a failed septic system. Victor's client installed a residential septic system that continuously backed up into the home. Plaintiff alleged that the drain field was installed too close to the wet season water level which caused the frequent backups. Through discovery, which included depositions of the design engineer (whom designed the system) and the Florida Department of Health (whom determined depth of the drain field relative to the wet season water table, issued the septic permit, and inspected and approved the installed system), Victor was able to convince the Court that the Spearin Doctrine precluded recovery as the septic system was installed according to the approved permits and engineering designs. He argued, and the Court agreed, that there was no evidence to indicate that his client's scope of work was defective and not in compliance with the approved construction plans. Notably, Victor filed a Proposal for Settlement years ago that was not accepted. The carrier and client were thrilled with the result.



Favorable Trial Result in a Premise Liability Case

Yvette Pace, of the Orlando office, obtained a favorable trial result on a premise liability case. Yvette represented a security company hired to provide security at an outdoor event, i.e., Rum Fest 2017, put on by the property owner who also promoted the event, Wall Street Plaza. Wall Street Plaza purchased a 10 foot beach ball to be used as a back drop and prop at Rum Fest 2017. The plaintiff attended the event and while at the event, struck the large beach ball with such force to cause him to suffer injuries to his left arm and shoulder. The injuries resulted in surgeries. The plaintiff claimed to have suffered these injuries by trying to swat the ball, which he described as a defensive swat to avoid a 'head injury' from the ball. The plaintiff had multiple surgeries and had over \$200,000.00 in past medical bills. On the eve of trial, Wall Street Plaza settled. At trial, Yvette attacked the case on legal duty because the event was sponsored by Wall Street Plaza who was the property owner and owner of the 10 foot beach ball. The security contract did not specify the security company's duties at the event, such as crowd control and management of the beach ball. Wall Street Plaza was named as a Non-Party Defendant. After three days of trial, the plaintiff was not able to present any evidence of duty as to the security company and settled for the plaintiff's past medical expenses.

LEGAL UPDATES



Witness' Review of Claims File Materials to Refresh Recollection During a Deposition Waives Privilege

In *Hamilton v. Citizens Prop'y Ins. Corp.*, No. 3D23-1934 (Fla. 3d DCA May 1, 2024), Citizens procured a protective order allowing its corporate representative to use the claims file to refresh his recollection during his deposition without waiving any privilege or permitting the opposing party access to the materials for cross-examination. On certiorari review, the Third District held that the protective order constituted a departure from the essential requirements of the law because it violated section 90.613, Fla. Stat. (2023), which requires parties to produce for inspection and cross-examination any "writing or other item" used to refresh a witness' memory while testifying. The Court also held that the error created irreparable harm as there was no practical way to review the effect of the withheld materials on appeal. In effect, a pre-deposition protective order of this type will not preserve a privilege. Instead, a defendant should attempt to utilize a stipulation to preserve the privilege before allowing a corporate representative to rely on claim file documents during a deposition, or any privilege to will be waived.

Florida Supreme Court Rules on the Billed Amount Issue in PIP Matters

In *Allstate Ins. Co. v. Revival Chiropractic, LLC*, 2024 WL 1776115 (Fla. April 25, 2024), Plaintiff argued that because the charge was less than 80% of 200% of the Medicare Fee schedule, Allstate was required to pay either 100% of the amount charged or 80% of 200% of the Medicare Fee Schedule, which was more than the amount billed. The court ruled in Allstate's favor and found that Allstate's payment of 80% of the billed amount was not prohibited by the statute and allowed by the policy. The court reiterated its ruling in *MRI Associates of Tampa, Inc. v. State Farm Mutual Automobile Insurance Co.*, 334 So. 3d 577 (Fla. 2021), in which it found that when an insurer has a hybrid policy that both elects to pay at 80% of 200% of the Medicare Fee Schedule pursuant to §627.736 (5)(a), Fla. Stat., and also allows payment at 80% of the usual and customary amount pursuant to §627.736 (1), Fla. Stat., the insurer has the option to make payment under either method. Here, Allstate had a hybrid policy allowing both payment methods and also had added language stating: "If a provider submits a charge for an amount less than the amount determined by the fee schedule or other limitations established by (§)627.736 . . . or any other provisions of the Florida Motor Vehicle No-Fault Law . . . [Allstate] will pay eighty percent of the charge that was submitted." Consequently, the court found the policy provides that Allstate will pay 80% of reasonable expenses and it expressly permits Allstate to pay 80% of the charges submitted. Nothing in the PIP statute invalidates the policy provisions authorizing such payments.



EVIDENCE
TO BE OPENED BY AUTHORIZED AGENTS ONLY
DO NOT USE THIS BAG WITH EVIDENCE THAT IS WET OR DAMAGED
Item #:

Admitting Prior Claim Documents Into Evidence in First-Party Property Disputes at Trial

By: Sarah Goldberg



In first party property disputes, insurance carrier defendants assert affirmative defenses of pre-existing damage based on a prior claim involving similar damages. Central to this defense is showing the jury the damages claimed in the prior claim through documents such as photographs and repair estimates.

To admit prior claim documents into evidence, an insurance carrier must establish two things: (1) relevance of the documents to the claim in dispute and (2) proper foundation for the documents to be admitted into evidence.

Relevance is established by showing that the prior claim speaks to an element of the plaintiff's current claim. See *Tower Hill Signature Insurance Co. v. Speck*, 199 So. 3d 350 (Fla. 5th DCA 2016) ; *State Farm Fire & Cas. Co. v. Pettigrew*, 884 So.2d 191, 196–97 (Fla. 2d DCA 2004).

After establishing that documentation from a prior claim is relevant, a foundation for the documents to be entered into evidence must be established under the business records exception to the hearsay rule (Section 90.803, Florida Statutes). The rule provides the following hearsay exception:

(6) RECORDS OF REGULARLY CONDUCTED BUSINESS ACTIVITY

(a) A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinion, or diagnosis, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity and if it was the regular practice of that business activity to make such memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, or as shown by a certification or declaration that complies with paragraph (c) and s. 90.902(11), unless the sources of information or other circumstances show lack of trustworthiness.

Admitting Prior Claim Documents Into Evidence in First-Party Property Disputes at Trial continued...

To lay this foundation, the records custodian must be deposed to confirm the documents were created and maintained as part of regular business activities. While deposing the person who created the documents for the prior claim is ideal, it is not required. The records custodian only needs to be “well enough acquainted with the activity to testify that the...business relies on those records.” See *Alysworth v. Mutiny on the Bay*, 275 So. 3d 781 (Fla. 3d DCA 2019).

The insurance carrier being sued cannot use their records custodian to authenticate records of a third party over whom they have no control. In *Universal Prop. & Cas. Ins. Co. v. Nacimiento*, Case No. 3D23-0301 (Fla. 3d DCA April 3, 2024), the Court found the insurance carrier could not meet the business records exception through testimony of their corporate representative to admit a sworn proof of loss and estimate from a prior claim. The court reasoned that nobody from Universal prepared the sworn proof of loss or estimate. Those documents were prepared by third parties with no relationship to Universal. In contrast, documentation prepared by a field adjuster acting on behalf of the insurance carrier, can be authenticated through the records custodian.

The prior claim should be covered in detail in the deposition of the insured. Documents from the prior claim intended for evidence should be reviewed and marked as exhibits to the insured’s deposition. This strategy allows the party seeking admission to establish authenticity without needing a records custodian deposition. Simply put, if the insured identified the documentation from the prior claim, it eliminates the need for a records custodian to authenticate the documents.



Florida Insurance Fraud Education Committee Annual Conference Recap

Garbage In-Garbage Out: The Potential for Bias in AI Assisted Claims

Charles Watkins (KD) | Mariela Pennock (Assurant)
Maria Abate (Colodny Fass)



AI can seem confusing and full of conflicting concepts. However, as we begin to appreciate its potential to aid us and the insurance industry, we are first left breathless -- then, it is crucial to eliminate bias to avoid mistakes of the past as we use AI to predict the future.

Navigating Insurance Claims: Fact v. Fiction

Kara Byrnes (KD) | Maria Martinez (NV5)

The fact v. fiction presentation took attendees through an in-depth photographic analysis of real hail and wind damage versus maintenance or aging issues found on homes that are typically not subject to coverage under homeowners insurance policies.



Kara Byrnes

Florida Insurance Fraud Education Committee Annual Conference Recap

Insurance Claim Evidence: Is the Proof in the Prejudice?

Eli Marger (KD) | Kameron Romaele (KD) | Nolan Wells (NV5)

Water damage investigations can be compromised by delays, repairs, and lack of documentation – engineering perspectives can be critical in educating a judge and jury about why this lack of information affected the insurer’s ability to determine coverage.



Water Losses: Navigating “Fluid” Claims in Search of Facts

Stefanie Capps (KD) | Jeffrey Wilemon (NV5)

Through investigations and solid documentation, an insurer can preserve any prejudice arguments as they navigate adjusting water losses. Don’t forget updated technology like social media posting and text messages, as well as home security cameras, can be requested in written requests for information to help establish the timeline for the water loss.



Florida Insurance Fraud Education Committee Annual Conference Recap

Leveraging Intelligence: Tips and Tricks of Interviewing and Statement Taking

Holly Galinskie (KD) | Brett Kelley (Assurant)
Jayme Harrington (National Insurance Crime Bureau)

Successful statement taking requires comprehensive claim specific preparation, finely tuned attention to details, impromptu adaption of questioning, and a deep passion for discovering the truth.

Holly Galinskie



Storm Created Scrutiny: Evaluating the Legitimacy of Roof Claims

Erika Cordovi (KD) | Charles Beall (Citizens) | Jeremy Beagle (SDII)

Promote the cooperation between claims adjuster, SIU investigator, expert, and attorney as early as possible in order to come to the best resolution of a claim.



2024 Summer Law Clerks



Please join us in welcoming our 2024 summer law clerks!

The 2024 Summer Law Clerks program is underway! After the orientation meeting hosted by the program leaders, **Nicole Wulwick**, **Jennifer Remy-Estorino**, and **Maegan Bridwell**, the new team members hit the ground running with supervising attorneys and other colleagues. We've already seen their dedication and enthusiasm, and we're excited about their continued progress.

The program recruits highly-motivated law students with top academic credentials to be paired with a mentor who provides opportunities for hands-on experiences alongside shareholders and associates. The goal is to empower students to develop skills that will be critical in transitioning from the classroom to the courtroom. The experiences they receive will serve as a cornerstone to their career, hopefully here with the KD family.

Successful summer clerks are considered for associate positions upon graduation and bar admission.

2024 Summer Law Clerks



Benjamin Eigarsh | Zacary Williams



Connor Albinus | Sharlene Thomas



**Lucas Maurice | Diego Rodriguez
Matthew Lopez | Lucas McCormick**



**Constantino Muniz | Gabriela Pombo
Gary Lopez-Perea**



**Maxwell Nacht | Daniel Salter
Alyssa Fleischer**



Sarah Ruderman



SAVE THE DATE

YOU ARE CORDIALLY
INVITED TO



THE FIRST PARTY MASQUERADE

VIRTUAL CONFERENCE

Unmasking the Secrets
of Claims Success

THURSDAY, SEPTEMBER 19
10:00 AM - 3:40 PM EST

more information to follow

www.kubickidraper.com



NEWS + ANNOUNCEMENTS

Benjamin Bourdon is Appointed to the Committee for Diversity & Inclusion

We are pleased to announce **Benjamin Bourdon's** appointment to the Diversity and Inclusion Committee of the Palm Beach County Bar Association. The committee's mission is to advance diversity and inclusion in the local legal community through educational initiatives, community outreach, and social engagement, promoting an inclusive environment that respects people of varied backgrounds, religions, sexual orientations, and abilities. We look forward to Benjamin's impactful contributions in furthering these goals!



2024 Annual Florida Bar Convention

We're Glad to See You!



Tracie Reese Attends Florida Bar Convention

Tracie Reese, from our Tampa office, participated in a series of events at the Annual Florida Bar Convention. On the first day, she attended the Blue and Gold E-Board Installation Gala, hosted by the Florida Association for Women Lawyers (FAWL). Tracie is set to serve as the 2024-2025 Journal Committee Chair. On the second day, she was sworn in as Secretary of the Virgil Hawkins Florida Chapter of the National Bar Association. Additionally, she participated in FAWL's Executive Board Retreat and attended the Henry T. Latimer Awards Luncheon, formerly known as the Diversity Equity and Inclusion Committee Luncheon. We are proud of Tracie's dedication to networking and professional growth, and we congratulate her on her achievements!

Jacksonville Women Lawyers Association: Annual Judicial Reception

KD proudly sponsored the Jacksonville Women Lawyers Association's Annual Judicial Reception. This year's theme, "Breaking Barriers - Building a Better Legal Community," emphasized progress and inclusivity within the legal profession. Members of the KD Jacksonville office participated in this event that celebrated the judiciary and recognized those who have been advocates for inclusivity and equity.



NEWS + ANNOUNCEMENTS

2024 Florida Super Lawyers and Rising Stars

Congratulations to this esteemed group of KD team members who have been recognized as 2024 Florida Super Lawyers and Rising Stars. Super Lawyers is a rating service of outstanding lawyers who have attained a high-degree of peer recognition and professional achievement. Selections are made on an annual, state-by-state basis and to be selected, peer nominations and evaluations are reviewed and combined with independent research.

Asian Pacific Heritage Celebratory Events

Mark Young, from our West Palm Beach office, attended events organized by the Asian Pacific American Bar Association (APABA) and the South Asian Bar Association (SABA) in celebration of Asian Pacific Islander Heritage Month. One event showcased cultural performances and traditional food and beverage tastings, while the other featured an enriching panel discussion titled "Pathways to Leadership: Perspectives, Risks & Guidance." The panel delved into the challenges and triumphs encountered on the journey to success.

108th Annual Miami-Dade Bar Installation Gala

KD team members **Sha-Mekeyia Davis**, **Elencia Alcius**, **Victoria Lopez**, and **Karenn Montan** attended the 108th Annual Miami-Dade Bar Installation Gala. The gala celebrated the current and incoming officers and directors of the Miami-Dade Bar and introduced Charise Morgan as the President for 2024-2025, and Lauren Allen as the President of the Young Lawyer Section.



LAW OFFICES
KUBICKI DRAPER

Congratulations
2024 Florida Super Lawyers & Rising Stars

RISING STARS

Anthony Atala
Miami

Raquel Loret de Mola
Miami

Leeza Newman
West Palm Beach

Nicole Wulwick
Miami

SUPER LAWYERS

Caryn Bellus
Miami

Angela Flowers
Ocala

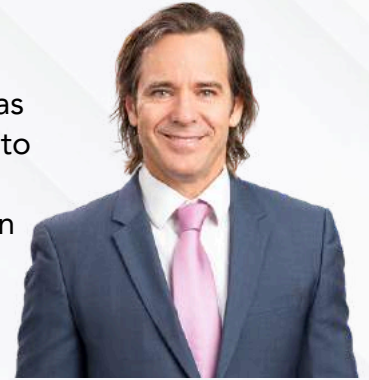
Michael Suarez
Miami



NEWS + ANNOUNCEMENTS

Peter Baumberger Inducted as a Fellow of the International Society of Barristers

Congratulations to **Peter Baumberger**, of our Miami office, on being inducted as a Fellow of the International Society of Barristers. The organization was formed to recognize the industry's best advocates and have them join to support the retention of trial by jury, professionalism, and ethics. Membership is by invitation only and involves a rigorous screening process that considers the individual's ability, experience, accomplishments and ethical standards as assessed by trial lawyers and judges. For more information, please visit www.isob.com.



Kubicki Draper Awarded 2024 Top Workplace

We're ecstatic to share we've earned a coveted spot on the prestigious 2024 Top Work Places list! This achievement fills us with immense pride and gratitude towards our incredible team who made it possible.

Meet the Newest Members of the KD Construction Group

Meet the newest additions to KD's statewide construction practice! We are thrilled to welcome **Andrew Bartuccelli, Neil Covone, Ajay Dabas, Jason Davis, Steffen LoCascio, Braulio Rodriguez,** and **Matan Scheier** to the team spanning from Miami to Tampa to Orlando!



2024 Florida Bar APS Dessert Reception

KD proudly sponsored the Florida Bar's Appellate Section's 2024 Dessert & Award Reception. The event is attended by many judges from circuit and appellate courts. **Caryn Bellus**, from our Miami office, also attended the reception.



NEWS + ANNOUNCEMENTS

The Honorable Peter R. Palermo Mentorship Program Mock Trial Competition

Ashlie Avila, Erika Cordovi, and Barbara Fox, of our Miami office, attended and served as judges for the Honorable Peter R. Palermo Mentorship Program Mock Trial Competition, hosted by the St. Thomas University College of Law. This program involves collaboration between the St. Thomas law students and the Law Magnet Program at Miami Carol City High School. Under the guidance of Asiah Wolfolk-Manning, lead teacher for the law magnet program, St. Thomas law students assisted the high school participants in developing trial techniques in preparation for their final exam which is the Spring Mock Trial Competition. Students played the roles of state attorney, defense attorney, expert witness, and lay witness. In addition, there were several Florida attorneys, former judges, and Palermo Mentorship alumni who served as judges for the competition.

KD Team Members Recognized by The National Black Lawyers

Congratulations to **Tracie Reese**, **Ashley Dozier**, and **Charles Watkins** from our Orlando, Tampa and Miami offices respectively, on being recognized by The National Black Lawyers. Ashley and Tracie have been named as Top 40 Under 40 honorees, and Charles has been reselected as one of the Top 100 Lawyers in Florida. The National Black Lawyers is an invitation-only professional development and networking association comprised of the top African American attorneys from across the country.



KD Welcomes Little Helpers During Take Your Child to Work Day

KD once again had an amazing “Take Your Child To Work Day” with exceptional helpers! We were delighted to welcome honorary KD members from across our offices. They got the opportunity to experience a day as KD employees alongside their loved ones. A big thank you for their help!



NEWS + ANNOUNCEMENTS

CONGRATULATIONS!

B A B Y



Vinnie Bajnath on the arrival of his baby boy, Ishaan



Michael Suarez on the arrival of his baby boy, Alessio



Elyse Dubois on the arrival of her baby boy, Shaye



Leeza Newman on the arrival of her baby boy, Joshua.



KD IN THE COMMUNITY

CABA MARLINS NIGHT

KD Team Members from our Miami office attended Marlins Night, an event hosted by The Cuban American Bar Association (CABA). Proceeds are used for CABA's Pro Bono Legal Services program, a non-profit that provides legal representation to income-qualifying and disadvantaged members of our community.



Ava Mahmoudi | Erika Cordovi | Holly Galinskie | Anthony Atala | Nina Zegarra

KUBICKI DRAPER SPONSORS TRANSITION'S 2024 HEROES RECEPTION

Caryn Bellus, Barbara Fox, and Francesca Ippolito-Craven, of our Miami office, represented the firm at the Heroes Reception hosted by Transition. KD was a proud sponsor of this event where they recognized The Honorable Robert J. Luck, of the Eleventh Circuit Court of Appeals. Transition is a non-profit organization dedicated to helping those who have been incarcerated to find employment, rebuild their lives, and have a successful transition back into society.



Caryn Bellus



Barbara Fox



Francesca Ippolito-Craven

The Scientific Method of Successful Law: A Spotlight on Marsha Moses

MEET MARSHA MOSES

In the late 1800s, Marsha Moses's family arrived in the U.S. as part of the wave of Cuban immigrants to Ybor City, Florida, known as "Cigar City." From a young age, Marsha felt a strong sense of fairness and at 5 years old, she declared to her family, "I'm going to be a lawyer." Though her journey took some unexpected turns, her passion for debate and commitment to justice grew stronger with time.

Fueled by her fascination with the scientific method, Marsha earned an undergraduate degree in Biology with a minor in Chemistry at the University of South Florida, becoming the first in her immediate family to graduate college. She applied her science degree at a pharmaceutical company in a research and development laboratory. Although she enjoyed the work, she felt a deeper calling. Determined to unite her interests, Marsha pursued her childhood dream of becoming a lawyer while maintaining her full-time job as a microbiologist – an embodiment of her motto: "never give up on your dreams."

Marsha proudly became the first lawyer in her family when she graduated from Stetson University College of Law. Her legal career has encompassed a variety of practice areas including PIP, liability, SIU/Fraud, commercial litigation, construction, real estate, community association law and foreclosures. Today, Marsha specializes exclusively in insurance defense here at KD where she is a shareholder.

Beyond her legal prowess, clients value Marsha for her meticulous care, responsiveness and unwavering dedication. Outside the courtroom, Marsha finds joy in culinary arts, reading, staying up to date on scientific trends and practicing yoga. She integrates these passions into her life, finding inspiration and balance that enhances her legal practice.

Marsha credits her success to every judge she has appeared before and every attorney she has worked with on either side of the aisle. They have all shaped, impacted, and helped her become the attorney she is today. However, she is especially grateful to her fellow KD partner, Harold Saul, for taking a chance on her and opening the door of new opportunities that allowed her to find her forever home at KD.



The Scientific Method of Successful Law: A Spotlight on Marsha Moses

MEET MARSHA MOSES *continued...*



Apart from the obvious analytical expertise, clients can expect Marsha to handle their cases with the utmost care and sense of urgency. If there ever is a time she doesn't know the answer to a question or the solution to a problem, she seizes it as a learning opportunity and will work tirelessly to find the answer. Indeed, Marsha personifies the saying "enjoy the journey" in her everyday legal work, as she finds a great sense of satisfaction in analyzing the details, researching the law, and the methodical application of science and the law to achieve a win for her clients -- the best part of being a lawyer for Marsha.

Many consider Marsha's career path a huge success on its own, however, Marsha reveals that balancing motherhood and her career has been the most challenging phase of her life, but also the most rewarding.

We are fortunate to have such an exemplary role model as part of the KD family. Kudos to Marsha for all she does as a leading expert in her craft and as a mom. Both titles equally rewarding -- no scientific experiment needed to confirm this hypothesis.

Straight from the source:

What's mostly on your playlist right now?



I listen to just about anything and everything. I love music. You can find Classical, Jazz, Rap, Hip Hop, Pop, Alternative, 80s anything on repeat. However, when I want to get pumped up, it has to be Hip Hop -- the louder, the better.

What superpower would you want to have?

The ability to see the future.



Who is your dream dinner guest?

My grandmother. She passed away when I was 4 years old, but she left an impactful impression on me. She left Tampa for NYC at 17 years old just after the Great Depression. She stayed there for over 20 years raising her kids as a single mom always ensuring they always had what they needed. I hope I'm half of the courageous force of nature she was. She's my hero."



Our team presents continuing education seminars on a variety of topics throughout the year. Below are some of the topics presented recently.

- Navigating Bad Faith Case Law and Tort Reform
- Florida 4-Hour Law and Ethics Update
- Duty to Defend v. Duty to Indemnify
- Leveraging Intelligence- Tip[s and Tricks of Interviewing and Statement Taking
- Insurance Claim Evidence: Is the Proof in the Prejudice?
- What the Dec? - Preparing Your Fraudulent or Material Misrepresentation Claim – from EUO to Declaratory Action
- Garbage In—Garbage Out: The Potential for Bias in AI Assisted Claims Investigations
- Water Losses: Navigating “Fluid” Claims in Search of Facts
- Storm Created Scrutiny - Evaluating the Legitimacy of Roof Claims
- Navigating Insurance Claims: Fact v. Fiction

We welcome the opportunity to host a complimentary webinar for you and your team on any topic(s) of your choice. All presentations are submitted for approval of continuing education credits. You can also follow our social media accounts to learn about upcoming webinars!

For more information, please contact Aileen Diaz
(305) 982-6621 | ad@kubickidraper.com.

KD TEAM UPDATES

NEW ADDITIONS

FT. MYERS Associate: Ruth Orange

JACKSONVILLE Associate: Shyla Bostick

MIAMI Associates: Jeffrey Fedna, Karla Lockwood
Shareholder: Matan Scheier

FORT LAUDERDALE Associate: Soika Sung

WEST PALM BEACH Associate: Beatriz Appelkvist

TAMPA Associates: Andrew Bartuccelli, Jason Davis
Shareholders: Steffen LoCascio, Jessica Prats

Congratulations!

CELEBRATING KD MILESTONES (5-YEAR INTERVALS)

We are proud and thankful for our team. Their dedication and hard work are a very special part of our success.

Donna Hunter Attorney	5 years
Debra Brousseau Legal Assisant	5 years
Beatriz Contreras Legal Assistant	5 years
Chelsea German Legal Assistant	5 years
Holly Lindenfeld Paralegal	5 years
Benjamin Bourdon Attorney	5 years
Donovan Lovelock Attorney	5 years
Christos Pavlidis Attorney	5 years
Mary Sanchez Accounting	5 years
Michelle Roy Legal Assistant	15 years
Madeline Chaparro Accounting	20 years

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Firm Executive Director

Rosemarie Silva

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Continuing Education Presentations

Aileen Diaz

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Pensacola | Tallahassee | Tampa | West Palm Beach | ALABAMA: Mobile

YOUR OPINION MATTERS TO US.

We hope you are finding the KD Quarterly to be useful and informative and that you look forward to receiving it. Our goal in putting together this newsletter is to provide our clients with information that is pertinent to the issues they regularly face. In order to offer the most useful information in future editions, we welcome your feedback and invite you to provide us with your views and comments, including what we can do to improve the KD Quarterly and specific topics you would like to see articles on in the future. Please forward any comments, concerns, or suggestions to Aileen Diaz at: ad@kubickidraper.com or (305) 982-6621. We look forward to hearing from you!