

**IN THE COUNTY COURT OF THE TWELFTH JUDICIAL  
CIRCUIT IN AND FOR SARASOTA COUNTY, FLORIDA**

PHYSICIANS GROUP, LLC,  
a/a/o Anthony Amos,

Plaintiff,

vs.

AMGUARD  
INSURANCE COMPANY,  
a foreign profit corporation,

Defendant.

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CASE NO: 2024 SC 004647 NC

JUDGE: Hon. Kennedy Legler  
DIVISION B

**ORDER DENYING DEFENDANT'S MOTION TO DISMISS AND  
DENYING DEFENDANT'S MOTION TO STRIKE PLAINTIFF'S CLAIM  
FOR ATTORNEY'S FEES AND COSTS**

THIS CAUSE having come before this Honorable Court on November 19, 2024, in regard to Defendant's Motion to Dismiss and Defendant's Motion to Strike Plaintiff's Claim for Attorney's Fees and Costs, and the Court having heard arguments from both parties, having reviewed the Motions, file, applicable law, and the Court otherwise being fully advised in the premises, it is hereby **ORDERED AND ADJUDGED** as follows:

1. Defendant's Motion to Dismiss argues that Plaintiff failed to attach a copy of the subject policy. Defendant's motion is **DENIED** on said basis.
2. Defendant's Motion to Dismiss argues that Plaintiff's Complaint failed to state a cause of action. Defendant's motion is **DENIED** on said basis.

3. Defendant's Motion to Dismiss argues that Plaintiff's Complaint should be dismissed for improper venue. Defendant abandoned said argument. As such, Defendant's motion is **DENIED** on said basis.

4. Defendant's Motion to Strike Plaintiff's Claim for Attorney's Fees and Costs argues that House Bill 837, which was enacted on March 24, 2023, removed the provision pertaining to Fla. Stat. 627.428, which provided for the right to entitlement of attorney's fees.

5. Plaintiff filed an Amended Memorandum of Law in Opposition to Defendant's motion, which attached the Business Auto Declarations Page, which reflects that the subject policy was issued on January 23, 2023.

6. This Court finds that House Bill 837 is not to be applied retroactively to policies issued before its enactment on March 24, 2023. As such, Fla. Stat. 627.428 applies. As such, Defendant's Motion to Strike Plaintiff's Claim for Attorney's Fees and Costs is **DENIED**.

7. Defendant has ten (10) days to file an answer.

DONE AND ORDERED in Chamber at Sarasota County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2024.



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~~e-Signed 12/2/2024 4:31 PM 2024 SC 004647 NC~~

Hon. Kennedy Legler

Copies furnished to:

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