



## Giving Thanks For Sanctions

Congratulations to Geovera Specialty Insurance Company for obtaining a dismissal with prejudice of a lawsuit as a sanction for the Plaintiffs' willful violation of a Court Order and submission of fraudulent damages in support of their lawsuit. In *Carlos Rodriguez and Carmen Rodriguez v. Geovera Speciality Insurance Company*, the insureds, represented by the Strems Law Firm, filed a lawsuit for roof damages. In the Complaint, Amended Complaint, response to document requests and sworn interrogatories, the Plaintiffs submitted and relied upon an estimate for damages totaling \$57,955.32. In contrast, the insureds testified during depositions that the repairs were completed and actually cost around \$18,000.00.

On Defendant's earlier Motion to Dismiss for Fraud upon the Court and Motion for Sanctions, the Broward County Circuit Court found that the Plaintiffs' interrogatories contained a false number of damages which misled Geovera. The Court ordered sanctions in favor of Geovera for the attorney fees and costs incurred as a result of the assertion of misleading damages. Counsel for the Plaintiffs asserted that they would withdraw the false amount of damages and not rely upon the estimate again. Despite the prior ruling, the Plaintiffs filed additional sworn interrogatories and responses to document requests relying upon the false number of damages and estimate. Geovera filed a second Motion to Dismiss for Fraud upon the Court and second Motion for Sanctions.

The Court ruled that the Plaintiffs' failure to heed the prior Order and continued reliance upon a false number of damages is an action which destroys the orderly administration of justice. The Plaintiffs' submittal of the false number of damages after the initial Order was ruled a willful violation of a Court Order. Upon a finding that the Plaintiffs behavior was "willful and contumacious", the Court granted the sanction of dismissal with prejudice.

Hazel K. Turner of Groelle & Salmon's Tampa office represented Geovera Specialty Insurance Company in the lawsuit.

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