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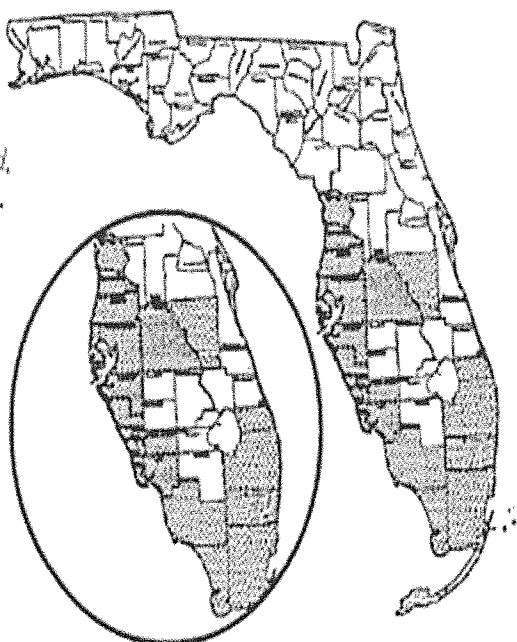


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**State Farm Florida Insurance Company v. Lime Bay Condominium, Inc.** 40 Fla. L. Weekly D2595b (Fla 4th DCA, November 18, 2015) Insurer's voluntary payment of appraisal award did not constitute an automatic confession of judgment -- Insurer's payment of appraisal award is a confession of judgment only if the insured was forced to file the lawsuit to resolve the claim.

**Mid-Continent Casualty Company ("MCC" v. James T. Treace.** 41 Fla. L. Weekly D60c (5<sup>th</sup> DCA, December 31, 2015) Commercial general liability -- Trial court erred in finding that attorney's fees awarded against contractor were not covered by policy where policy contained supplementary payment provision that provided insurer would pay all costs taxed against insured in "suit" against an insured [it] defend[s]"

**Humana Medical Plan, Inc. v. Mary Reale.** 40 Fla. L. Weekly D2678a (Fla 3<sup>rd</sup> DCA, December 2, 2015) Medicare Advantage organization -- Trial court did not have jurisdiction of insureds' declaratory action to determine Medicare Advantage organization's right to reimbursement of conditional payments from proceeds of insured's settlement with tortfeasor who caused insured's injuries -- Court lacked subject matter jurisdiction because insureds failed to exhaust mandatory administrative remedies and, even if exhaustion had occurred, claim is subject to exclusive federal jurisdiction -- Disputes concerning reimbursement of conditional payments are benefits that arise under the Medicare Act, and must be exhausted through administrative appeals process before invocation of judicial review in federal court -- Florida's collateral sources of indemnity statute is inapplicable to Medicare Advantage organization's reimbursement rights -- Florida subrogation law is expressly preempted by Medicare Act.

**Federated National Insurance Company v. William Joyce and Judith Joyce.** 40 Fla. L. Weekly D2606a (Fla 5<sup>th</sup> DCA, November 20, 2015) Attorney's fees -- Award of fees to insureds following settlement of coverage dispute with insurer -- Trial court abused discretion by awarding a multiplier where case was not a complicated case, and there was no evidence that insureds had any difficulty obtaining counsel.

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