

IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA

SMALL CLAIMS DIVISION

CIVIL DIVISION

CASE NO: 08-10494
SECTION NO: SP05

Palmetto Physical
Therapy, Inc. a/a/o
Clemente Gomez

Mercury Insurance
Company of Florida

vs.

Plaintiff(s)

Defendant(s)

ORDER GRANTING/DENYING Motion for Partial Summary Judgment

THIS CAUSE came before the Court on the 27 day of August, 2009.

on PLAINTIFF'S/DEFENDANT'S Motion for Summary Judgment as to the applicability
of the 2009 Fee Schedules and after hearing argument of counsel, it is

ORDERED AND ADJUDGED:

Defendants' Motion for Summary Judgment is GRANTED as follows:
This case arises out of a January 10, 2008 date of loss, and dates of
service from January 11, 2008 to February 22, 2008. Although the Policy was
issued in August of 2007, this court finds that the ^{Medicare} fee schedules found
in § 627.736(5)(a)2 ⁽²⁰⁰⁸⁾ apply to the charges in dispute. The Plaintiff's argument
that § 627.736(1)(b) creates an ambiguity with § 627.736(5)(a)2 is denied,
and the statute is clear and unambiguous as to the applicability of
The Medicare Part B Fee Schedule.

DONE AND ORDERED IN MIAMI-DADE COUNTY, FLORIDA THIS 26

DAY OF Aug, 2009.

AUG 26 2009

SHELLEY KRAVITZ
County Court Judge

COUNTY COURT JUDGE

Copies furnished to
Parties / Counsel of Record
117.01-207 10/03

* This is a partial summary judgment as to the applicability
of the fee schedules found in § 627.736(5)(a)2 + 3 of the 2008
Florida Motor Vehicle No-Fault Law.