

# Florida



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**Jorge Padilla**

## **Final Summary Judgment – First-Party Property**

On March 20, 2020, Miami Senior Partner, Jorge Padilla, secured Final Summary Judgment in a First- Party Property case styled Ramon Rodriguez v. Citizens Property Insurance Corporation. Plaintiff made a claim against his homeowner’s insurance carrier for a loss that reportedly occurred as a result of Hurricane Irma. Plaintiff’s claim for interior water damage was denied due to the absence of any evidence of wind damage to the home. After engaging in preliminary discovery, Mr. Padilla moved for final summary judgment. In response, Plaintiff’s counsel relied on the deposition testimony of his client, who merely testified that his roof was not leaking prior to the hurricane and commenced leaking approximately three days after it made landfall in Miami-Dade County. Relying on well- settled law that causation cannot be established by post hoc reasoning, Mr. Padilla prevailed on the motion for final summary judgment and is now pursuing a claim for attorney’s fees and costs pursuant to a proposal for settlement.