

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Administrative Order No. 2019-78-CO

**ADMINISTRATIVE ORDER TRANSFERRING CERTAIN COUNTY
COURT CIVIL ACTIONS INVOLVING DALY & BARBER, P.A. AND
WINDHAVEN INSURANCE COMPANY**

(a) Pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.

(b) Florida Rule of Judicial Administration 2.215(b)(3) states the Chief Judge shall “develop an administrative plan” and “shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”

(c) Florida Rule of Judicial Administration 2.215(b)(4) authorizes the Chief Judge to assign cases to a judge or judges.

(d) There are currently more than 1,000 cases pending in Broward County Court in which the law firm of Daly & Barber, P.A. represents the plaintiff against Windhaven Insurance Company as defendant, which cases involve similar or the same claim of material misrepresentation. Given the similarity of the claims, the parties agree these actions would be more expeditiously resolved if they were before a single judge for resolution.

(e) In accordance with the authority vested in the Chief Judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of Judicial Administration 2.215, it is hereby **ORDERED, effective October 21, 2019:**

(1) All open personal injury protection (PIP) cases currently pending in the County Court and involving the law firm of Daly & Barber, P.A. representing the plaintiff and Windhaven Insurance Company as defendant, which cases involve a claim of material misrepresentation shall be transferred by the Clerk of the Courts (Clerk) to County Civil Division (70) for resolution. The list of cases to be

transferred will be provided to the Clerk by separate spreadsheet from the Administrative Judge of the County Court. In the event additional cases meeting the criteria set forth herein are discovered or filed, the Administrative Judge of the County Court may direct the transfer of such cases by memorandum or other appropriate notice to the Clerk

(2) Upon transfer to County Civil Division (70), the cases shall keep their original cases numbers, including courthouse designations (COCE, CONO, COSO, or COWE). The Clerk shall ensure, however, that the judicial officer designation is updated to reflect the judge assigned to County Civil Division (70) for those transferred cases.

(3) The judge assigned to County Civil Division (70) shall move the cases toward resolution.

(4) The judge assigned to County Civil Division (70) may exercise discretion and enter an order directing the Clerk to transfer any case transferred to County Civil Division (70) pursuant to this Administrative Order back to the originally assigned County Civil Division based on unique or extraordinary circumstances. For example, cases where a joint pretrial stipulation has previously been filed or the case is before the trial court upon remand from the appellate court should remain before the originally assigned county civil division.

(5) This Administrative Order is effective October 21, 2019.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, this 8th day of October, 2019.

/s/ Jack Tuter
Jack Tuter, Chief Judge