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March 24, 2023

Chief Justice Carlos G. Muñoz
Florida Supreme Court
500 South Duval Street
Tallahassee, FL, 32399-1925

Re: HB 837

Dear Chief Justice:

In what is most likely an unprecedented request, on March 23rd, the Florida Defense Lawyers Association asked the Florida Supreme Court to issue a blanket administrative order that would cover every case and every Circuit Court in the State of Florida permitting extensions of time to respond to complaints that were recently filed on the eve of HB 837's passage.

The undersigned has complete confidence in our Chief and Administrative Judges to manage their Circuit Court dockets. If they need help, they will ask for it. Given the diversity of the twenty different Circuit Courts, one size does not fit all. The plaintiffs' bar knows the importance of professionalism and will work with the courts and defense counsel to make needed accommodations. The cases filed are important to both the plaintiffs and defendants. Balances will be struck.

The recent surge in personal injury and wrongful death case filings is the unfortunate result of HB 837 being rushed through the Legislature without sufficient consideration of its practical effects. The bill provides that its multiple provisions creating drastic change to our tort system are to apply to "causes of action filed after the effective date of this act." In the few weeks that the bill was considered, it was evident to all that this language would cause a rush to file. Victims needed to file before the law took effect to preserve their rights. The problem could have been easily avoided. The bill could have been amended to only apply to cases "accruing" after it took effect. The plaintiffs' bar requested this revision but was rejected. Ironically, the Florida Defense Lawyers Association did not similarly sound this alarm and instead advocated vigorously for the bill's passage as written.



Chief Justice Carlos G. Muñiz
March 24, 2023
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In any event, the bill has now been approved by the Governor and, by its terms, immediately takes effect. So, the rush of filings caused by its draconian enacting provision ought to subside. There is no reason to believe that the Circuit Courts of Florida will not look at their individual dockets and manage these cases with excellence. It is in everyone's best interest to work together towards that common goal.

Very truly yours,

A handwritten signature in black ink that reads "Neal A. Roth".

NEAL A. ROTH, ESQ.
Managing Partner
For the Firm

NAR/irm

Attachment: Ltr. from FDLA

cc: Honorable Nushin G. Sayfie
Honorable Jennifer D. Bailey

March 23, 2023

VIA EMAIL

Chief Justice Carlos Muniz
Florida Supreme Court
500 South Duval Street
Tallahassee, FL, 32399-1925

Re: HB 837 and request for Administrative Order

Dear Chief Justice,

The Florida Defense Lawyers Association (FDLA) is a statewide organization of civil defense attorneys formed in 1967, and it has over 1,200 members. The goal of the FDLA is to “bring industry leaders and defense counsel together and form a strong alliance that promotes fairness and justice in the civil justice system for all parties.” FDLA frequently files amicus briefs and comments on proposed rule amendments before this Court.

We write to express our concern about the sheer number of lawsuits currently being filed by the Plaintiff’s bar in order to avoid the impact of HB 837. From Saturday, March 18, to mid-day Thursday, March 23, over 70,000 lawsuits were filed. The number continues to rise by the minute. This morning, the portal provided the following warning:

You may experience a delay with docketing due to a heavy influx of new Circuit Civil cases filed in response to the passage of House Bill 837 referred to as “tort reform”.

We have also been informed that the largest Plaintiff’s law firm in the state is in the process of filing 25,000 lawsuits by today.¹

This drastic increase in lawsuits will create a statewide issue that will impact the rights of defendants. This will cause defense firms and attorneys undue burden and stress. There are not enough hours in the day to answer all of these complaints. There may also be a delay in transmitting suit papers from DFS to the insurance companies to defense firms. This could result in defaults entered against numerous defendants.

Please consider issuing an emergency administrative order allowing defendants additional time to respond to a complaint. This will allow insurance companies, defense attorneys, and law firms to stagger responses to help manage the mountain of lawsuits coming at them. It will also help prevent

¹ <https://www.insurancejournal.com/news/southeast/2023/03/23/713579.htm>



number defaults and subsequently filed motions to vacate defaults from clogging the court system and overburdening judicial resources.

Thank you for your time and consideration.

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Matthew J. Lavisky Butler Weihmuller Katz Craig LLP President-Elect	Elaine D. Walter Boyd Richards Parker & Colonnelli, PL Secretary/Treasurer

Cc: John Tomasino (via email)