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| <<Provider\_Suitname>> | February 19, 2022 |
| Via E-mail | |

**RE:***Proposals for settlement*

**Case:** *<<Provider\_Suitname>> A/A/O <<Injuredparty\_Name>> v. <<Insurancecompany\_Suitname>>*

**Case No.:** *<<Indexoraaa\_Number>>*

Dear Client,

Enclosed, please find a copy of a Proposal for Settlement filed by <<Insurancecompany\_Suitname>> in this case. The Proposal for Settlement is in the amount of [Proposal for Settlement Amount $x.xx], and was served on [Proposal for Settlement Service Date]. A response to this Proposal, if any, must be served within thirty (30) days from the date of service or the Proposal will automatically be deemed rejected. My calculation reveals that the last day of acceptance is on [Proposal for Settlement Response Deadline], which includes any applicable days for mailing.

The Proposal of Settlement is made pursuant to Florida Rule of Civil Procedure 1.442 and Florida Statute 768.79(1). That statute is intended to penalize a party for failing to accept an offer to settle. The relevant portion of the statute is as follows:

In any civil action for damages filed in the courts of this state, if a defendant files an offer of judgment which is not accepted by the plaintiff within 30 days, the defendant shall be entitled to recover reasonable costs and attorney's fees incurred by her or him or on the defendant's behalf pursuant to a policy of liability insurance or other contract from the date of filing of the offer if the judgment is one of no liability or the judgment obtained by the plaintiff is at least 25 percent less than such offer, and the court shall set off such costs and attorney's fees against the award. Where such costs and attorney's fees total more than the judgment, the court shall enter judgment for the defendant against the plaintiff for the amount of the costs and fees, less the amount of the plaintiff's award. If the plaintiff files a demand for judgment which is not accepted by the defendant within 30 days and the plaintiff recovers a judgment in an amount at least 25% greater than the offer, he shall be entitled to recover reasonable costs and attorney's fees incurred from the date of the filing of the demand.

Thus, if you do not accept (or otherwise reject the Proposal) and by judgment you are not awarded 25% more than the offer ([Proposal for Settlement Amount $x.xx]), you may be liable for attorney's fees and costs to the Defendant from the date the Proposal was served.

You must keep these statutory requirements in mind when determining not to respond to a Proposal for Settlement. Please remember that the failure to accept will be deemed a rejection. Once you have had an opportunity to review this letter and the enclosures, please call me so we can more fully discuss this matter and discuss a response, if any, or any counter-proposal.

Sincerely,



Robert F. Gonzalez, Esq.