<<COURT\_NAME>>

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| <<PROVIDER\_SUITNAME>>,  a/a/o <<INJUREDPARTY\_NAME>>    Plaintiff,  vs.  <<INSURANCECOMPANY\_SUITNAME>>  Defendant. | Case No. <<INDEXORAAA\_NUMBER>> |

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**PLAINTIFF’S VERIFIED MOTION TO SET ASIDE DISMISSAL**

1. Plaintiff, <<PROVIDER\_SUITNAME>>, by and through the undersigned counsel, hereby files this MOTION TO SET ASIDE DISMISSAL.

and in support thereof further states:

1. On or about [Date of PTC], Plaintiff was scheduled to appear at Pre-trial Conference.
2. Due to a calendaring issue Plaintiff was unaware of the court date and failed to appear.
3. Due to Plaintiff’s failure to appear for the pre-trial conference, the Court Dismissed the case without prejudice.
4. Rule 1.540(b) provides in pertinent part that:

**RULE 1.540.**

**RELIEF FROM JUDGMENT, DECREES, OR ORDERS**

**b)**   **Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud; etc.** On motion and upon such terms as are just, the court may relieve a party or a party’s legal representative from a final judgment, decree, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial or rehearing; (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party; (4) that the judgment or decree is void;

1. The foregoing Dismissal without prejudice is predicated upon mistake and/or excusable neglect of Plaintiff’s Counsel; and therefore, under Fla.R.Civ.P. 1.540(b) should be set aside so that this case may be adjudicated on the merits.
2. Plaintiff respectfully requests that the Dismissal be set aside.

WHEREFORE, Plaintiff, <<PROVIDER\_SUITNAME>>, requests the Court to enter an Order setting aside the dismissal, and grant such other further relief that is just and appropriate under the circumstances.

**VERIFICATION**

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged therein are true and correct to the best of my knowledge and belief.



Robert F. Gonzalez, Esq.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on February 19, 2022, a true and correct copy of the foregoing was served to all parties registered for this case via the Florida E-filing Portal.

**Florida Insurance Law Group, LLC**

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