



\*25-000162054\*

CALIXTO ALFONSO JR., D.C. P.A. A/A/O  
LISANDRA LOPEZ

PLAINTIFF(S)

VS.

THE RESPONSIVE AUTO INSURANCE  
COMPANY

DEFENDANT(S)

SUMMONS, COMPLAINT /

CASE #: 2025-104647-SP-05 (01)  
COURT: ELEVENTH JUDICIAL CIRCUIT COURT  
COUNTY: MIAMI-DADE  
DFS-SOP #: 25-000162054

## **NOTICE OF SERVICE OF PROCESS**

NOTICE IS HEREBY GIVEN of acceptance of Service of Process by the of the State of Florida. Said process was received in my office by ELECTRONIC DELIVERY on Monday, June 23, 2025 and a copy was forwarded by ELECTRONIC DELIVERY on Tuesday, June 24, 2025 to the designated agent for the named entity as shown below.

RESPONSIVE AUTO INSURANCE COMPANY (THE)  
JOHN D MACHUL  
SUITE 1000 8151 PETERS ROAD  
PLANTATION, FL 33324

**\*Our office will only serve the initial process (Summons and Complaint) or Subpoena and is not responsible for transmittal of any subsequent filings, pleadings, or documents unless otherwise ordered by the Court pursuant to Florida Rules of Civil Procedure, Rule 1.080.**

CHARLES FLAXMAN  
FLAXMAN LAW GROUP  
5715 JOHNSON STREET  
HOLLYWOOD, FL 33021

JD1

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.  
 IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.

DIVISION <input checked="" type="checkbox"/> CIVIL <input type="checkbox"/> DISTRICTS <input type="checkbox"/> OTHER	SUMMONS 20 DAY CORPORATE SERVICE (a) GENERAL FORMS	CASE NUMBER 2025-104647-SP-05 (01)
PLAINTIFF(S) CALIXTO ALFONSO JR., D.C. P.A. a/a/o Lisandra Lopez	VS. DEFENDANT(S) THE RESPONSIVE AUTO INSURANCE COMPANY	SERVICE

**THE STATE OF FLORIDA:**

To Each Sheriff of the State:

**YOU ARE COMMANDED** to serve this summons and copy of the complaint or petition in this action on defendant(s): THE RESPONSIVE AUTO INSURANCE COMPANY

c/o Florida Chief Financial Officer as RA

200 East Gaines Street

Tallahassee, FL 32399-4201

Each defendant is required to serve written defense to the complaint or petition on Plaintiff's Attorney: Charles Flaxman, Esq.

whose address is: 5715 Johnson Street

Hollywood, FL 33021

within 20 days " Except when suit is brought pursuant to s. 768.28, Florida Statutes, if the State of Florida, one of its agencies, or one of its officials or employees sued in his or her official capacity is a defendant, the time to respond shall be 40 days.

When suit is brought pursuant to s. 768.28, Florida Statutes, the time to respond shall be 30 days." after service of this summons on that defendant , exclusive of the day of service, and to file the original of the defenses with the Clerk of this Clerk Court either before service on Plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition.

Juan Fernandez- Barquin Clerk of Court		DATE 6/23/2025
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### **AMERICANS WITH DISABILITIES ACT OF 1990 ADA NOTICE**

**"If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Aliean Simpkins, the Eleventh Judicial Circuit Court's ADA Coordinator, Lawson E. Thomas Courthouse Center, 175 NW 1<sup>st</sup> Avenue, Suite 2400, Miami, FL 33128; Telephone (305) 349-7175; TDD (305) 349-7174, Email [ADA@jud11.flcourts.org](mailto:ADA@jud11.flcourts.org); or via Fax at (305) 349-7355, at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711."**

CLOCK IN

CALIXTO ALFONSO JR., D.C. P.A. a/a/o  
Lisandra Lopez,

Plaintiff,

vs.

THE RESPONSIVE AUTO INSURANCE  
COMPANY,

Defendant.

IN THE COUNTY COURT OF THE 11TH  
JUDICIAL CIRCUIT IN AND FOR MIAMI-  
DADE COUNTY, FLORIDA

CASE NO.: 2025-104647-SP-05 (01)

**COMPLAINT**

COMES NOW, the Plaintiff, CALIXTO ALFONSO JR., D.C. P.A. a/a/o Lisandra Lopez, by and through undersigned counsel, hereby sues the Defendant, THE RESPONSIVE AUTO INSURANCE COMPANY, and in support thereof alleges:

1. This is an action under the Florida Motor Vehicle No-Fault Law for damages greater than \$5,000.00 but less than \$8,000.00, exclusive of interest, costs and reasonable attorney's fees.
2. At all times material hereto, the Defendant, THE RESPONSIVE AUTO INSURANCE COMPANY, was a domestic insurance company, organized and incorporated under the laws of the State of Florida, doing business in Miami-Dade County.
3. At all times material hereto, the Plaintiff, CALIXTO ALFONSO JR., D.C. P.A. a/a/o Lisandra Lopez, was a resident of or doing business in Miami-Dade County, Florida.

4. Venue is proper in Miami-Dade County, Florida because the Defendant, THE RESPONSIVE AUTO INSURANCE COMPANY, and/or its agents carry on business and sell policies in Miami-Dade County and/or because the medical bills at issue arise from services rendered by the Plaintiff to the claimant in Miami-Dade County, and/or because the subject insurance policy was issued in Miami-Dade County, the claimant resides in Miami-Dade, and/or the subject accident occurred in Miami-Dade County.
5. For valuable consideration, at all times material hereto, there was a policy of automobile insurance in force and effect, issued by the Defendant, THE RESPONSIVE AUTO INSURANCE COMPANY, to Lisandra Lopez, which provided \$10,000.00 in personal injury protection benefits to the claimant under policy number/claim number C0000027339. (The Plaintiff is not in possession of the policy of insurance, and therefore, is unable to attach a true and correct copy hereto).
6. Pursuant to the terms of the aforementioned policy of insurance, and in accordance with the Florida Motor Vehicle No-Fault Law, Florida Statutes section 627.730 *et seq.*, the Defendant agreed to pay to or for the benefit of the injured person(s), including the claimant, any medical benefits, disability benefits, and death benefits provided for thereunder.
7. On or about 09/21/2024, the claimant was traveling in a motor vehicle that was involved in an automobile accident thereby sustaining bodily injuries.
8. The claimant, Lisandra Lopez, assigned her PIP benefits under the subject policy of insurance to CALIXTO ALFONSO JR., D.C. P.A. a/a/o Lisandra Lopez,

thereby assigning the claimant's entitlement to PIP benefits and rights under the subject insurance policy to the Plaintiff, CALIXTO ALFONSO JR., D.C. P.A. a/a/o Lisandra Lopez. (Plaintiff will provide a copy of the Assignment of Benefits during discovery if requested to do so.)

9. Said automobile accident caused the claimant to suffer personal injury and/or an aggravation of a pre-existing injury, condition or disability and incur reasonable medical expenses.
10. As a direct result of the aforesaid accident, the claimant received reasonable, related and medically necessary medical treatment and care from the Plaintiff.
11. The Plaintiff, CALIXTO ALFONSO JR., D.C. P.A. a/a/o Lisandra Lopez, has submitted a claim for PIP benefits to the Defendant, THE RESPONSIVE AUTO INSURANCE COMPANY, for payment of the reasonable, related and necessary medical expenses that were proximately sustained as a result of the subject accident.
12. Specifically, the Plaintiff has submitted medical expenses totaling \$38,850.00 for services rendered to the claimant on date(s) of service 02/19/2025 through 04/04/2025.
13. As of this date, all or some of the above referenced medical expenses have not been paid by the Defendant pursuant to the terms and conditions of the policy on insurance and Fla. Stat. §627.736, and the unpaid expenses remain outstanding, due and owing with statutory interest.
14. Statutory demand was made upon the Defendant to pay said medical bills and/or benefits pursuant to the policy and Florida law by sending via certified mail the

statutory 30 day demand letter to the Defendant prior to filing this suit for personal injury protection benefits.

15. The demand letter submitted by the Plaintiff to the Defendant complied with the requirements of Fla. Stat. §627.736(10).
16. The Plaintiff timely submitted all medical expenses to the Defendant on properly completed claim forms in compliance with Fla. Stat. § 627.736 and all relevant sub-parts.
17. After receipt of the subject medical expenses, the Defendant failed to furnish the Plaintiff with an itemized specification of each item that the insurer had reduced, omitted, or declined to pay in violation of § 627.736(4)(b).
18. The Plaintiff and the patient/claimant have complied with all contractual and statutory conditions precedent to recover under the subject policy including, but not limited to, reporting the accident as soon as practicable, timely submitting properly completed health insurance claim forms for lawfully rendered medical treatment and services, which were medically necessary, reasonable and related to the automobile accident described herein.

#### **COUNT I - BREACH OF CONTRACT**

The Plaintiff re-alleges the allegations contained in paragraphs 1-18, and further alleges as follows:

19. As assignee of the rights and limitations under the subject insurance policy, the Plaintiff, CALIXTO ALFONSO JR., D.C. P.A. a/a/o Lisandra Lopez, is entitled to all of the rights and benefits under said policy that the claimant was entitled to

enforce and receive from THE RESPONSIVE AUTO INSURANCE COMPANY.

20. The Defendant, THE RESPONSIVE AUTO INSURANCE COMPANY, has refused and continues to refuse to pay the reasonable, related and medically necessary medical expenses, including statutory interest, sustained by the claimant and charged by the Plaintiff, CALIXTO ALFONSO JR., D.C. P.A. a/a/o Lisandra Lopez, as a result of the subject accident within 30 days from receipt of said expenses, and the Defendant has failed to establish that it has reasonable proof that it was not responsible for payment of the subject medical expenses.
21. The Defendant has breached the subject insurance contract by failing to pay all reasonable, related and necessary medical expenses within 30 days of receipt of notice of a covered loss and amount of same and the Plaintiff is thereby entitled to bring this lawsuit in order to enforce payment.
22. The Defendant has breached the subject insurance contract by failing to pay the medical bills submitted by the Plaintiff in accordance with the terms and conditions of the subject policy of insurance and Fla. Stat. §627.736.
23. The Defendant has breached the subject insurance contract by failing to pay the full interest, penalty and postage amounts owed to the Plaintiff.
24. The Defendant breached the subject insurance contract and has violated Fla. Stat. §627.736 by failing to pay all reasonable, related and necessary medical expenses within 30 days of receipt of notice of a covered loss and amount of same and the Plaintiff is thereby entitled to bring this lawsuit in order to enforce payment.

25. The Plaintiff, CALIXTO ALFONSO JR., D.C. P.A. a/a/o Lisandra Lopez, has complied with all conditions under the law and under the aforementioned policy, including, but not limited to, having provided proper notice and proof of the loss and amount of same, reported the accident as soon as practicable, timely submitted medical bills on the proper billing claim forms, and otherwise cooperated with the investigation of the claim.
26. In addition, the Plaintiff timely submitted all properly completed medical expenses and claim forms in compliance with Fla. Stat. § 627.736 and all relevant sub-parts.
27. As a result of the Defendant's failure and/or refusal to pay the aforesaid benefits, the Plaintiff has outstanding medical bills, which have not been timely paid by the Defendant, THE RESPONSIVE AUTO INSURANCE COMPANY, without a legally sufficient basis.
28. The Plaintiff has been caused to retain the undersigned and this law firm to enforce their rights against the Defendant, THE RESPONSIVE AUTO INSURANCE COMPANY, for PIP benefits.

**WHEREFORE**, the Plaintiff, CALIXTO ALFONSO JR., D.C. P.A. a/a/o Lisandra Lopez, demands judgment against the Defendant, THE RESPONSIVE AUTO INSURANCE COMPANY, together with statutory interest, pre-judgment interest, and costs, trial by jury for all issues so triable, and any other relief that this Court deems proper.

Respectfully submitted,

Flaxman Law Group

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Hollywood, FL 33021  
Telephone No. (954) 987-2937  
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*/s/ Charles Flaxman, Esq.*  
Charles Flaxman, Esq.  
FLORIDA BAR NO. 319821