

Defense Obtains Positive Gain from Second DCA Opinion on Boardable Damages Paid by Medicare

In a case being handled by Autumn George and Fotini Manolakos, Plaintiff filed a Motion to Board the Full Medical Bills without a reduction of those bills paid by Medicare. The Second DCA recently issued an opinion addressing what a plaintiff can board at trial when past medical expenses are paid by Medicare. The Second DCA agreed that a plaintiff can only submit to a jury the amount actually paid by Medicare. The plaintiffs' bar has attempted (successfully at times) to board the gross amount of past medical expenses, relying on a footnote in *Joerg v. State Farm Mut. Auto Ins. Co.*, 176 So. 3d 1247, 1256 n.7 (Fla. 2015). This opinion rejects that argument. The Second DCA certified the issue as a question of great public importance, so for now, this decision will be binding in Florida. After being presented with this opinion, Plaintiff agreed the past medical bills were capped at the amounts paid by Medicare, which significantly reduced the value of Plaintiff's claim.

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