

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR MARTIN COUNTY, FLORIDA
CIVIL DIVISION

UNIVERSAL PROPERTY & CASUALTY
INSURANCE COMPANY,

CASE NO. 2015-CA-001041
UCN: 432015CA001041CAAXMX

Plaintiff(s),

vs.

MARIA A. HANSEN, ROBERT HANSEN,
JULIE K. BURKARD, PROGRESSIVE
AMERICAN INSURANCE COMPANY,

Defendant(s).

**FINAL DECLARATORY JUDGMENT IN FAVOR OF
DEFENDANT/CROSSCLAIMANT, PROGRESSIVE AMERICAN INSURANCE
COMPANY AND AGAINST CROSSDEFENDANTS,
MARIA A. HANSEN, ROBERT HANSEN AND JULIE K. BURKARD**

THIS MATTER having come before the Court at a hearing held May 26, 2016, on Defendant/Crossclaimant, PROGRESSIVE AMERICAN INSURANCE COMPANY'S ("PROGRESSIVE") Motion for Summary Judgment, and the Court having heard argument of counsel, and being otherwise fully advised in the premises, it is hereupon, ordered and adjudged that PROGRESSIVE'S Motion for Summary Judgment be and the same is hereby granted. The Court finds that there are no genuine issues of material fact and that, at the time of the incident as alleged in that certain action styled Maria A. Hansen and Robert Hansen, her husband, Plaintiffs v. Joseph Vessely Jr., Karen S. Vessely and Julie K Burkard, d/b/a Julie Burkard Interiors, Defendants, Case No. 2014-CA-001494, in the Circuit Court of the Nineteenth Judicial Circuit, in and for Martin County, Florida ("the underlying action"), JULIE K. BURKARD was engaged in a business, as defined in the Personal Umbrella Policy of insurance issued by PROGRESSIVE to JULIE J. BURKARD, under Policy No. 66684228-1. Therefore, the Court finds that the umbrella policy

provides no coverage to Crossdefendant, JULIE K. BURKARD for bodily injuries being claimed by Crossdefendant, MARIA A. HANSEN, in the underlying action. Accordingly, PROGRESSIVE is entitled to a Final Declaratory Judgment in its favor and against the Crossdefendants.

Based on the above, the Court hereby enters a Final Declaratory Judgment in favor of PROGRESSIVE and against the Crossdefendants and declares that PROGRESSIVE has no duty, under Umbrella Policy No. 66684228-1, issued by PROGRESSIVE to JULIE K. BURKARD, to indemnify JULIE K. BURKARD for any damages that may be awarded to Maria A. Hansen and Robert Hansen in the underlying action.

The Court reserves judgment to tax costs of this action in favor of PROGRESSIVE upon the filing of a proper motion for same.

DONE AND ORDERED in Chambers, at Stuart, Martin County, Florida on this 13th day of June, 2016.


F. Shields McManus
CIRCUIT COURT JUDGE

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