

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR LEE COUNTY, FLORIDA  
CIVIL DIVISION

CASE NO. 18-CA-002625  
UCN: 362018CA002625A001CH

AUSTIN MICHAEL KABANEK,

Plaintiff(s),

vs.

JOSE LUIS VAZQUEZ, SALOMON CAMPOS  
HERNANDEZ, and PROGRESSIVE SELECT  
INSURANCE COMPANY,

Defendant(s).

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**ORDER ON MOTION FOR FINAL SUMMARY JUDGMENT**

THIS CAUSE came on to be heard on October 6, 2021, upon Defendant, Progressive American Insurance Company's ("Progressive"), Motion for Final Summary Judgment and the court having reviewed the submissions of the parties, having heard argument of counsel, and being otherwise fully advised in the premises, determines that there is no genuine dispute as to any material fact. Applying the law to the material facts, the court determines that:

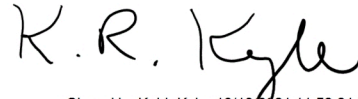
1. Sec. 627.727(1), Florida Statutes, does not mandate that the insured's signature be on the same page as the statutorily required language and that the two-page Progressive form, Form 8617 FL (07/04), is in compliance with Sec. 627.727(1), Florida Statutes.
2. Prior to his alleged execution of Page 2 of that same form on February 25, 2014, both Pages 1 and 2 of Uninsured Motorist Coverage Selection/Rejection Form were provided to Plaintiff by Progressive.
3. The signature and date on the Page 2 of that same form was affixed by the Plaintiff.

4. There is no competent substantive proof of record that Plaintiff's signature was obtained through trickery, fraud or mistake.
5. Plaintiff, therefore, knowingly rejected uninsured motorist coverage.
6. As a result, Progressive is entitled to a judgment as a matter of law declaring that Plaintiff is not entitled to uninsured motorist coverage as a result of the accident of June 25, 2014.

Accordingly, it is

ORDERED and ADJUDGED that Progressive's Motion for Summary judgment be and the same is hereby GRANTED.

DONE AND ORDERED in Chambers, at Fort Myers, Lee County, Florida.



eSigned by Keith Kyle 10/19/2021 11:53:31 IXPtLcMb

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