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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
Case No. 11-cv-20968-KMM
EFN 2011R0593708
OR Bk 27814 Pgs 4422 - 4425 (4pgs)
RECORDED 09/06/2011 12:00:55
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, and
STATE FARM FIRE & CASUALTY COMPANY,

Plaintiffs,

vs.

BETTER LIFE MEDICAL CENTER, LLC,
DAYSI PUIGROS, and
CLARA AURORA SALAZAR-VUST, P.A.,

Defendants.

**ORDER GRANTING MOTIONS FOR DEFAULT JUDGMENT AGAINST
DEFENDANTS BETTER LIFE MEDICAL CENTER, LLC, AND DAYSI PUIGROS**

THIS CAUSE came before the Court upon Plaintiffs' Motion for Default Judgment Against Daysi Puigros (ECF No. 22), Motion for Default Judgment Against Better Life Medical Center, LLC (ECF No. 23) and Amended Motion for Entry of Final Default Judgment within Response to the Court's Order to Show Cause (ECF No. 33). Defendants Puigros and Better Life Medical Center, LLC, did not file responses to any of the Motions. The Motions are now ripe for review.

UPON CONSIDERATION of the Motions, the pertinent portions of the record, and being otherwise fully advised in the premises, the Court enters the following Order.

This case involves fraudulent insurance claims for medical procedures. The claims are

Certified to be true and correct copy of the document on file
Steven M. Lahmore, Clerk
U. S. District Court
Southern District of Florida
By *Pedro J. Scherer*
Deputy Clerk
Date *8-24-11*

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question were submitted from December 2008 through September 2009, and the supporting documentation for medical procedures on which the claims are based, bears the signature of Dr. Juan Julio Hernandez-Pombo, M.D. Dr. Hernandez-Pombo was licensed to practice medicine in the state of Florida, and was listed as the manager of Better Life Medical Center, LLC. He died on December 28, 2008. Despite his demise, Defendants continued to submit claims along with documentation bearing his signature. On March 21, 2011, Plaintiffs filed a Complaint against Defendants, Daysi Puigros, Better Life Medical Center, LLC, and Clara Aurora Salazar-Vust, P.A. (ECF No. 1). The Complaint alleges claims for: (i) payment of insurance benefits for unlawful and fraudulent medical services; (ii) unjust enrichment under Florida law; (iii) deceptive and unfair trade practices under Florida law; (iv) civil remedy for theft or exploitation under Florida law; and also seeks (v) declaratory judgment (ECF No. 1). Plaintiffs properly alleged subject matter jurisdiction according to 28 U.S.C. § 1332 in their Complaint.¹ On April 29, 2011, Plaintiffs filed proof of service of summonses on each Defendant (ECF Nos. 12-14).

Defendants Puigros and Better Life Medical Center, LLC (the “Defaulting Defendants”) failed to file an answer or otherwise plead or defend in response to the Complaint. As a result, on April 29, 2011, Plaintiffs moved for Clerk’s Entry of Default against Defaulting Defendants (ECF No. 15 and 16). On May 2, 2011, the Clerk of the Court entered Defaults against each of them (ECF No. 18 and 19). Plaintiffs subsequently moved for Default Judgment against the Defaulting Defendants (ECF No. 22 and 23).

¹ Plaintiffs are citizens of Illinois as corporations that are incorporated in Illinois with primary places of business also in Illinois. Compl. ¶¶ 4-9. Defendants are all citizens of Florida. Id. The amount in controversy exceeds the jurisdictional minimum of \$75,000. Id.

Plaintiffs allege damages in the amount of \$85,405.48, supported by the affidavit of Rene Gonzalez, a claim representative for the Plaintiff insurance companies (ECF No. 33-2). Plaintiffs seek to treble this amount pursuant to Florida Statute Section 772.11, bringing the total to \$256,216.44.² Am. Mot. Entry Default J. (ECF No. 33). Section 772.11 also entitles the Plaintiffs to attorneys' fees of \$18,262.50 and costs of \$810.00 for a total of \$19,072.50. Aff. Jessica Zlotnick-Martin (ECF No. 34).

For the foregoing reasons, it is

ORDERED AND ADJUDGED that Plaintiffs' Motion for Default Judgment Against Daysi Puigros (ECF No. 22), Motion for Default Judgment Against Better Life Medical Center, LLC (ECF No. 23), and Amended Motion for Entry of Final Default Judgment within Response to the Court's Order to Show Cause (ECF No. 33) are GRANTED. It is further

ORDERED AND ADJUDGED that

(i) Defendants, Better Life Medical Center, LLC, and Daysi Puigros, are jointly and severally liable to Plaintiffs in the amount of \$256,216.44;

² "Any person who proves by clear and convincing evidence that he or she has been injured in any fashion by reason of any violation of ss. 812.012-812.037 or s. 825.103(1) has a cause of action for threefold the actual damages sustained . . ." Fla. Stat. § 772.11.

Florida Statutes § 812.014 defines theft as, "a person commits theft if he or she knowingly obtains or uses, or endeavors to obtain or to use, the property of another with intent to, either temporarily or permanently: (a) deprive the other person of a right to the property . . ."

Plaintiffs allege that the Defaulting Defendants committed various forms of theft in Counts I, II, and IV of their Complaint. Compl. ¶¶ 33-60.

(ii) Defendants Better Life Medical Center, LLC, and Daysi Puigros, are jointly and severally liable to Plaintiffs for attorneys fees and costs in the amount of \$19,072.50;

(ii) The judgment shall bear interest at the rate prescribed by 28 U.S.C. §1961; and

(iii) Declaratory Judgment is also hereby entered in favor of Plaintiffs against Defendants, Better Life Medical Center, LLC, and Daysi Puigros in this Case.

DONE and ORDERED in Chambers in Miami, Florida this 12th day of August, 2011.

**K. Michael
Moore**

Digitally signed by K. Michael Moore
DN: cn=K. Michael Moore, o=USDC,
ou=KMM, email=Moore@flsd.uscourts.
gov, c=US
Date: 2011.08.12 15:13:02 -04'00'

**K. MICHAEL MOORE
UNITED STATES DISTRICT JUDGE**

cc: All counsel of record

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