

## SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

# Universal Property & Casualty Insurance Company v. Wendy D. Montgomery and Morris L. Montgomery

Universal Property · No. 6D2024-0239 · Decided March 6, 2026

### SUMMARY

The Sixth District Court of Appeal of Florida affirmed the circuit court judgment in favor of Wendy D. Montgomery and Morris L. Montgomery in this insurance dispute. Because the direct appeal was affirmed, the court dismissed the conditional cross-appeal as moot.

### CASE DETAILS

|                       |                                                                                                                                                           |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Sixth District Court of Appeal of Florida                                                                                                                 |
| WRITING FOR THE COURT | Per Curiam; Stargel; Wozniak; Smith                                                                                                                       |
| JURISDICTION          | Florida Sixth District Court of Appeal                                                                                                                    |
| DECIDED               | March 6, 2026                                                                                                                                             |
| DOCKET                | 6D2024-0239                                                                                                                                               |
| DISPOSITION           | affirmed                                                                                                                                                  |
| PROCEDURAL POSTURE    | Appeal and conditional cross-appeal from a circuit court judgment; the direct appeal was affirmed and the conditional cross-appeal was dismissed as moot. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                 |
| PARTIES               | Universal Property & Casualty Insurance Company v. Wendy D. Montgomery, Morris L. Montgomery                                                              |

### TOPICS

appellate procedure

mootness

insurance

civil procedure

### PRACTICE AREAS

insurance

civil procedure

### QUESTIONS PRESENTED

- Whether the circuit court's ruling should be affirmed on the direct appeal.

2. Whether the conditional cross-appeal remained justiciable after affirmance of the direct appeal.

## HOLDINGS

1. The direct appeal is affirmed.
2. The conditional cross-appeal is dismissed as moot when the direct appeal is affirmed.

## KEY QUOTATIONS

*“Because the direct appeal is affirmed, the conditional cross-appeal is dismissed as moot.”*

## FACTUAL BACKGROUND

The opinion does not recite substantive factual details. It resolves the appeal and conditional cross-appeal by affirming the direct appeal and dismissing the conditional cross-appeal as moot.

## PROCEDURAL HISTORY

The matter was appealed from the Circuit Court for Polk County, Florida, in lower tribunal case number 2019-CA-000742. The Sixth District Court of Appeal affirmed the direct appeal and dismissed the conditional cross-appeal as moot because the direct appeal was affirmed.

## DISPOSITION

affirmed

## CASES CITED

- Universal Prop. & Cas. Ins. Co. v. Rodriguez, No. 6D2024-1194, --- So. 3d ---, 2026 WL 370220 (Fla. 6th DCA Feb. 6, 2026)
- R.J. Reynolds Tobacco Co. v. Brown, 286 So. 3d 877 (Fla. 5th DCA 2019)

## OPINION

Universal Property & Casualty Insurance Company v. Wendy D. Montgomery and Morris L. Montgomery

PER CURIAM.

SIXTH DISTRICT COURT OF APPEAL

STATE OF FLORIDA

\_\_\_\_\_ Case No. 6D2024-0239 Lower Tribunal No. 2019-CA-000742 \_\_\_\_\_

UNIVERSAL PROPERTY & CASUALTY INSURANCE COMPANY,

Appellant/Cross-Appellee, v.

WENDY D. MONTGOMERY and MORRIS L. MONTGOMERY,

Appellees/Cross-Appellants. \_\_\_\_\_ Appeal from the Circuit Court

for Polk County. Brandon J. Rafool, Judge. March 6, 2026 PER CURIAM. AFFIRMED. See Universal Prop. & Cas. Ins. Co. v. Rodriguez, No. 6D2024- 1194, --- So. 3d ---, 2026 WL 370220 (Fla. 6th DCA Feb. 6, 2026). Because the direct appeal is affirmed, the conditional cross-appeal is dismissed as moot. See R.J. Reynolds Tobacco Co. v. Brown, 286 So. 3d 877 (Fla. 5th DCA 2019) (dismissing conditional cross-appeal as moot when affirming issues raised on appeal). STARGEL, WOZNIAK and SMITH, JJ., concur. David A. Noel and Kara Rockenbach Link, of Link & Rockenbach, P.A., West Palm Beach, for Appellant/Cross-Appellee. Mark A. Nation, of The Nation Law Firm, Longwood, for Appellees/Cross- Appellants.

NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING  
AND DISPOSITION THEREOF IF FILED