

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, FORT MYERS DIVISION

Jessica Guadalupe Ramos Alvarez, Individually and as Parent and
Natural Guardian of Minor Child, J.Z.R.; and Vicente Paul Zamudio
Vazquez, Individually and as Parent and Natural Guardian of Minor
Child, J.Z.R. v. Djory Alderson Louis

Alvarez · No. 2:24-cv-829-KCD-NPM · Decided January 23, 2026

SUMMARY

The court denies Defendant Djory Alderson Louis’s motion for partial summary judgment concerning Plaintiffs’ claims for medical expenses. It holds that Fla. Stat. § 768.0427 establishes a non-exhaustive framework governing admissible evidence, rather than requiring plaintiffs who did not use health insurance to introduce insurance reimbursement-rate evidence as a prerequisite to recovering medical expenses. The court concludes that Plaintiffs may rely on other admissible evidence, including evidence of reasonable amounts billed.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Fort Myers Division
WRITING FOR THE COURT	Kyle C. Dudek
JURISDICTION	United States District Court for the Middle District of Florida, Fort Myers Division
DECIDED	January 23, 2026
DOCKET	2:24-cv-829-KCD-NPM
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for partial summary judgment on the plaintiffs' claims for past and future medical expenses in a personal-injury action.
STANDARD OF REVIEW	Summary judgment; the court resolved the parties' pure question of statutory interpretation as a matter of law.
PRECEDENTIAL VALUE	nonprecedential federal district court order

PARTIES

Jessica Guadalupe Ramos Alvarez, individually and as parent and natural guardian of minor child, J.Z.R., Vicente Paul Zamudio Vazquez, individually and as parent and natural guardian of minor child, J.Z.R. v. Djory Alderson Louis

TOPICS

summary judgment

statutory interpretation

evidence

personal injury

civil procedure

PRACTICE AREAS

personal injury

civil procedure

statutory interpretation

evidence

QUESTIONS PRESENTED

1. Whether Florida Statute § 768.0427 requires a personal-injury plaintiff who has health insurance but does not use it to introduce evidence of the insurer's reimbursement rates as a prerequisite to recovering past or future medical expenses.
2. Whether the statutory phrase that evidence "shall include, but is not limited to" creates a mandatory burden of production or instead identifies nonexclusive categories of admissible evidence.

HOLDINGS

1. Florida Statute § 768.0427 does not require a personal-injury plaintiff who declines to use available health insurance to introduce evidence of what the insurer would have paid in order to maintain a claim for past or future medical expenses.
2. The phrase "shall include, but is not limited to" directs the court regarding admissibility and does not impose on the litigant an exclusive mandatory checklist of evidence necessary to prove damages.

KEY QUOTATIONS

"Because § 768.0427 acts as an evidentiary gateway for personal injury claimants—rather than a procedural trapdoor—Defendant's motion is DENIED."

"By providing that evidence 'shall include, but is not limited to' specific categories, the Florida legislature created a non-exhaustive list of admissible evidence, not a mandatory checklist for survival."

"The directive binds the adjudicator, not the advocate."

FACTUAL BACKGROUND

After Defendant allegedly rear-ended Plaintiffs' vehicle, Plaintiffs pursued treatment under letters of protection rather than using their private health insurance. The treatment bills were allegedly higher than typical insurance reimbursement rates. Plaintiffs identified their treating physician, Dr. Thomas Roush, as an expert but did not disclose a witness to calculate what their insurer would have paid.

PROCEDURAL HISTORY

Plaintiffs sued Defendant after an alleged rear-end automobile collision. Plaintiffs had private health insurance but obtained treatment under letters of protection and did not submit the charges to their insurer. Defendant sought partial summary judgment, arguing that Florida Statute § 768.0427 required Plaintiffs to present evidence of insurance reimbursement rates as a prerequisite to recovering medical expenses. The court denied the motion.

DISPOSITION

other

CASES CITED

- Jacksonville Property Rights Association, Inc. v. City of Jacksonville, No. 3:05-CV-1267-J-34JRK, 2009 WL 10669827, at *3 (M.D. Fla. Sept. 30, 2009)
- Rodriguez v. Branch Banking & Trust Co., 46 F.4th 1247, 1254 n.7 (11th Cir. 2022)
- SE Property Holdings, LLC v. Welch, 65 F.4th 1335, 1342 (11th Cir. 2023)
- White v. Mederi Caretenders Visiting Services of Southeast Florida, LLC, 226 So. 3d 774, 783 (Fla. 2017)
- City of Bartow v. Flores, 301 So. 3d 1091, 1097 (Fla. Dist. Ct. App. 2020)
- McNeil v. State, 215 So. 3d 55, 59 (Fla. 2017)