

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

EZEQUIEL ROJAS and DEYSI ROJAS,

Plaintiffs,

v.

Case No: 8:14-cv-1694-T-30AEP

BALBOA ISURANCE COMPANY,

Defendant.

ORDER

THIS CAUSE comes before the Court upon Defendant's Motion to Enforce Settlement (Dkt. #16) and Plaintiffs' Response (Dkt. #20). Upon review and consideration, the Court determines it is necessary to hold an evidentiary hearing regarding this matter. Specifically, under Florida law, the burden is on Defendant to establish that Plaintiffs' attorney had the clear and unequivocal authority to settle on their behalf. *See Cross-Aero Corp. v. Cross-Aero Serv. Corp.*, 326 So. 2d 249, 250 (Fla. 3d DCA 1976); *see also Weitzman v. Bergman*, 555 So. 2d 448, 449-50 (Fla. 4th DCA 1990) (noting that "it is the burden of the party seeking to compel the settlement ... to show that the attorney had authority to settle the case"); *Jorgensen v. Grand Union Co.*, 490 So. 2d 214, 215 (Fla. 4th DCA 1986) ("[t]he law is clear that a client's express authority given to his attorney to settle his cause of action must be clear and unequivocal"). Notably, employment of an attorney to represent a client does not confer on the attorney implied or apparent authority

to compromise or settle the client's claims. *E.g., Cross-Aero Corp.*, 326 So. 2d at 250.


Accordingly, it is

ORDERED AND ADJUDGED that:

1. An Evidentiary Hearing on Defendant's Motion to Enforce Settlement (Dkt. #16) will be held on **WEDNESDAY, APRIL 8, 2015, AT 1:30 P.M.** at the Sam Gibbons U. S. Courthouse, 801 North Florida Avenue, Courtroom #17, Tampa, Florida 33602.

Time reserved: Up to two (2) hours.

DONE and **ORDERED** in Tampa, Florida, this 16th day of March, 2015.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

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