

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

State of Florida

CIRCUIT CIVIL DIVISION: AO

Office of Financial Regulation, et. al.

Case No.:50-2021-CA-008718-XXXX-MB

Plaintiffs,

vs.

National Senior Insurance, Inc. et. al., including

Peter Beck,

Defendants.

**DEFENDANT PETER BECK'S RESPONSE TO RECEIVER'S MOTION TO  
STRIKE PETER BECK'S MOTION TO DISMISS**

Peter Beck ("Defendant"), through his undersigned counsel, hereby files his response to the Receiver's ("Plaintiff's") captioned motion and, in furtherance thereof, states as follows:

1. In this motion, Plaintiff states that he moved for entry of a clerk's default against Defendant in the so-called supplemental action, which is the Amended Complaint. On October 1, 2024, Defendant filed his motion to dismiss Plaintiff's Original Complaint and Amended Complaint. The motion to dismiss was filed in case no: 50-2021-CA-00871-XXXX-MB, which is the case number of the Original Complaint. Defendant filed the motion to dismiss in the original case number, believing that the amended complaint, "amended" the original complaint without changing the case number.
2. Moreover, Plaintiff agreed to stipulate to the withdrawal of the default judgment entered in the case, and in furtherance thereof, Defendant sent Plaintiff a proposed stipulation to that effect on October 21, 2024. In response, Plaintiff indicated that he would respond with proposed changes.
3. Not until November 11, 2024, did Plaintiff propound the stipulation with his suggested changes.
4. In a disingenuous and unwarranted manner, Plaintiff raised for the first time in pleadings filed on November 11, 2024, that the motion to dismiss was filed in the Original Complaint rather

than the Amended Complaint. To be clear, the motion to dismiss sought the dismissal of both actions as to Defendant.

5. Now, Plaintiff is attempting to separate the two actions in such a way as to strike the motion to dismiss. The law does not support this contrivance. Florida Rule of Civil Procedure 1.190 – Amended and Supplemental Pleadings, and specifically paragraph (c) Amendments Generally states that while in the interest of justice, the Court may permit any process, proceeding pleading, or record to be amended or set forth in a supplemental pleading, “At every stage of the action the Court must disregard any error or defect in proceedings which does not affect the substantial rights of the parties.”
6. Plaintiff argues that through the representation of a party in another supplemental action, Defendant’s counsel was aware of the distinction between the OFR Enforcement Action and the Supplement Action. The argument is entirely misplaced.
7. In the “other” matter, Plaintiff sought Court approval of a settlement in the original, so-called enforcement action, 50-2021-CA-008718, with a party who had not been a party to any action. Thereafter, Plaintiff filed a so-called supplement action, without cause and in bad faith, in the apparent attempt to circumvent the other party’s motion to set aside the settlement agreement.

Therefore, based on the foregoing, Defendant respectfully requests that this Court dismiss Plaintiff’s present Motion.

Dated: November 13, 2024

Respectfully submitted



**Todd A. Zuckerbrod, Esq.**

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Attorney for Defendant Peter Beck

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2024, the foregoing was filed using the Florida E-Portal Filing System, which will serve a copy electronically of the upon counsel for the Plaintiff and on the Counsel of the other interested parties, set for below.

Dated: November 13, 2024

  
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