

IN THE CIRCUIT COURT, SEVENTH  
JUDICIAL CIRCUIT, IN AND FOR  
FLAGLER COUNTY, FLORIDA

CASE NO.: 2021-CA-000304  
DIVISION: 49

M.D.,

Plaintiff

v.

GERARD ABATE, M.D.,

Defendant.

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**JOINT STIPULATED MOTION FOR ENTRY OF CONSENT ORDER  
ON DEFENDANT GERARD ABATE, M.D.'S MOTION TO QUASH  
SERVICE OF PROCESS AND TO SET ASIDE THE ORDER ON  
PLAINTIFF'S MOTION FOR DEFAULT FINAL JUDGMENT  
ON LIABILITY AND THE CLERK'S DEFAULT**

The plaintiff, M.D., and the defendant, Gerard Abate, M.D., by and through their respective undersigned attorneys and pursuant to rule 1.100, Florida Rules of Civil Procedure, move the Court for entry of the parties' proposed Consent Order Granting Defendant's Motion to Quash Service of Process and to Set Aside the Order on Plaintiff's Motion for Default Final Judgment on Liability and the Clerk's Default (the "Consent Order"), and in support say:

1. Counsel for the plaintiff, M.D., and counsel for the defendant, Gerard Abate, M.D, have conferred and stipulate to the entry of the Consent Order, a copy of which is attached as Exhibit "A".

WHEREFORE, the parties move the Court to enter the Consent Order.

**THE BONDERUD LAW FIRM, P.A.**

**THE LAW OFFICE OF WILLIAM J. SCOTT, P.A.**

/s/ Andrew Bonderud

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Attorneys for Plaintiff

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT  
IN AND FOR FLAGLER COUNTY, FLORIDA

M.D.,

Plaintiff,

v.

GERARD ABATE, M.D.,

Defendant.

Case No. 2021-CA-304

**CONSENT ORDER GRANTING DEFENDANT'S  
MOTION TO QUASH SERVICE OF PROCESS AND  
TO SET ASIDE THE ORDER ON PLAINTIFF'S MOTION FOR DEFAULT  
FINAL JUDGMENT ON LIABILITY AND THE CLERK'S DEFAULT**

THIS CAUSE came before the Court without hearing on Defendant GERARD ABATE, M.D.'s *Motion to Quash Service of Process and to Set Aside the Order on Plaintiff's Motion for Default Final Judgment on Liability and the Clerk's Default* ("Motion"), filed on December 15, 2022, and after reviewing the Motion, being fully advised in the premises, and with the consent of the Plaintiff, it is upon consideration **ORDERED:**

1. Defendant's Motion is **GRANTED**.
2. By agreement of the parties, as of the date of this order, the Defendant submits himself to the personal jurisdiction of this Court and waives service of process. Defendant shall respond to Plaintiff's *Complaint and Demand for Jury Trial*

**EXHIBIT**

A

within thirty (30) days hereof, and the case shall proceed in the ordinary course thereafter.

**DONE AND ORDERED** in Chambers in Bunnell, Flagler County, Florida on this \_\_\_ day of January, 2023.

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CIRCUIT JUDGE

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