

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

CASE No: 2019-18945-CA-01

COÖPERATIEVE RABOBANK U.A.,
NEW YORK BRANCH, et al.,

Plaintiffs

vs.

CROWE LLP,

Defendant

**ORDER ON DEFENDANT CROWE LLP's MOTION
TO DISMISS**

THIS MATTER came before the Court on Defendant's CROWE LLP's Motion to Dismiss. The Court having reviewed the pleadings, having heard argument of counsel, and being fully advised in the premises finds as follows:

Generally, a motion to dismiss tests only the legal sufficiency of a complaint and is not intended to determine issues of ultimate fact. "[T]he trial court is necessarily confined to the well-pleaded facts alleged in the four corners of the complaint." *Lewis v. Barnett Bank of S. Florida, N.A.* 604 So. 2d 937 (Fla. 3d DCA 1992). The primary purpose of a motion to dismiss is to request the trial court to determine whether the complaint properly states a cause of action upon which relief can be granted and, if it does not, to enter an order of dismissal. *Provence v. Palm Beach Taverns, Inc.*, 676 So. 2d 1022 (Fla. 4th DCA 1996). The court must draw all reasonable inferences in favor of the nonmoving party. *Id.* Thus, the question for this court to decide is whether, assuming the well-pleaded factual allegations in the Complaint are true, Plaintiffs would be entitled to the relief requested.

It is the finding of this Court that New York law applies and New York law precludes the Plaintiff's claims for negligent misrepresentation and gross negligence. Therefore, it is

ORDERED AND ADJUDGED that Defendant's motion to dismiss is **GRANTED** regarding Plaintiff's claims for negligent misrepresentation and gross negligence. Defendant's motion to dismiss is **DENIED** as to all other counts. The Defendants shall answer the complaint within twenty (20) days from the date of this order.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, on 11/23/21.

A handwritten signature in black ink, appearing to read 'W. Thomas', written over a horizontal line.

WILLIAM THOMAS
CIRCUIT COURT JUDGE

**No Further Judicial Action Required on THIS MOTION
CLERK TO RECLOSE CASE IF POST JUDGMENT**

The parties served with this Order are indicated in the accompanying 11th Circuit email confirmation which includes all emails provided by the submitter. The movant shall IMMEDIATELY serve a true and correct copy of this Order, by mail, facsimile, email or hand-delivery, to all parties/counsel of record for whom service is not indicated by the accompanying 11th Circuit confirmation, and file proof of service with the Clerk of Court.

Signed original order sent electronically to the Clerk of Courts for filing in the Court file.