

litigation roundabout, where collection proceedings on a fee judgment are followed by a new motion for fees and another fee judgment, only for the cycle to start all over yet again.

In this case, Calzaretta was obviously not attempting, via the garnishment proceedings, to obtain an order for the inspection and copying of records, or even to enforce such an order. Instead, he was attempting to collect on a fee judgment.

We therefore conclude that the plain language of section 607.1604(1) does not authorize an award of fees incurred during garnishment proceedings.<sup>2</sup> As a result, we reverse the order on appeal and remand for further proceedings.

REVERSED and REMANDED.

LAMBERT, C.J., and WALLIS, J.,  
concur.



AMERICAN COASTAL INSURANCE  
COMPANY, Appellant,

v.

MARINA ISLES CLUB CONDO-  
MINIUM ASSOCIATION,  
INC., Appellee.

Case No. 5D21-1221

District Court of Appeal of Florida,  
Fifth District.

Opinion filed May 13, 2022

**Background:** Appellant appealed from orders of the Circuit Court, 18th Judicial

2. The motion at issue here, and the trial court's order, relied on section 607.1604(1). We therefore do not consider whether Calzar-

Circuit, Brevard County, Curt Jacobus, J., which denied its petition to compel completion of appraisal and denied its motion to set aside or vacate that order.

**Holdings:** The District Court of Appeal, Wallis, J., held that trial court abused its discretion by failing to set aside its order denying petition to compel completion of appraisal.

Reversed and remanded with instructions.

**Motions** ⇌ 59(1)

Trial court abused its discretion by failing to set aside its order denying petition to compel completion of appraisal, where court failed to serve legal counsel with copy of that order after counsel had appeared in the case. Fla. R. Jud. Admin., Rule 2.505(e)(1).

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Appeal from the Circuit Court for Brevard County, Curt Jacobus, Judge. LT Case No. 05-2020-CA-037089-X

Ezequiel Lugo, of Banker Lopez Gassler, P.A., Tampa, and Eleanor Sills, of Banker Lopez Gassler, P.A., Tallahassee, for Appellant.

George A. Vaka and Nancy A. Lauten, of Vaka Law Group, Tampa, for Appellee.

WALLIS, J.

American Coastal Insurance Company (American Coastal) appeals the trial court's order denying its Petition to Compel Completion of Appraisal and the order denying its Motion to Set Aside that order. We agree with American Coastal with re-

etta might have been entitled to fees pursuant to some other statute.

spect to the order denying the Motion to Set Aside and reverse that order.<sup>1</sup>

In its Motion to Set Aside, American Coastal argued that the trial court failed to serve all of its attorneys of record with a copy of the order denying the Petition to Compel Completion of Appraisal and, therefore, it was unable to timely move for rehearing or appeal that order. In support of its motion, American Coastal attached a sworn affidavit signed by Attorney Kaps stating that: he was not served with a copy of the order, he filed the Petition on behalf of American Coastal, he was legal counsel for American Coastal, and that his name and email address were listed on the signature block of the Petition to Compel Completion of Appraisal along with two other attorneys representing American Coastal. The affidavit also stated that Attorney Kaps appeared at the hearing on the Petition and presented arguments on behalf of American Coastal.

“An attorney may appear in a proceeding . . . by serving and filing, on behalf of a party, the party’s first pleading or paper in the proceeding.” Fla. R. Jud. Admin. 2.505(e)(1) (2020); Paul v. Wells Fargo Bank, N.A., 68 So. 3d 979, 983 (Fla. 2d DCA 2011). Thus, we hold that the court abused its discretion in failing to set aside the order denying the Petition after it failed to serve Attorney Kaps with a copy of that order after he had appeared in the case. See Paul, 68 So. 3d at 983. Accordingly, we reverse and remand for the trial court to reenter the order so that American Coastal has the opportunity to file a timely motion for rehearing.

1. Because we reverse the order denying the Motion to Set Aside, we do not address the arguments raised with regard to the order

REVERSED and REMANDED with Instructions.

SASSO and WOZNIAK, JJ., concur.



**Jade Eva MERRIMAN, Appellant,**

v.

**Braian Uriel ADLER, Appellee.**

**Case No. 5D21-2372**

District Court of Appeal of Florida,  
Fifth District.

Opinion filed May 13, 2022

**Background:** Former husband filed motion for civil contempt and to enforce order on dissolution of marriage in which trial court resolved numerous issues and awarded former husband \$1,500 in attorney fees. The Circuit Court, 7th Judicial Circuit, Flagler County, Christopher France, J., entered order on former husband’s motion. Former wife appealed.

**Holdings:** The District Court of Appeal, Wozniak, J., held that award of attorney fees would be reversed and matter remanded to trial court to make and set forth specific findings regarding reasonable hourly rate and number of hours reasonably expended in counsel’s representation of former husband.

Affirmed in part, reversed in part, and remanded with instructions.

Sasso, J., concurred specially and filed opinion.

denying the Petition to Compel Completion of Appraisal.