

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

PATRICIA K. STONE, AS TRUSTEE
OF THE PATRICIA K. STONE
REVOCABLE TRUST DATED
JANUARY 25, 2017,

Appellant,

v.

Case No. 5D20-1989
LT Case No. 2018-CA-24972

JASON KUBASKY,

Appellee.

_____ /

Opinion filed November 5, 2021

Appeal from the Circuit Court
for Brevard County,
George Paulk, Judge.

Allan P. Whitehead and Erika McBryde,
of Frese, Whitehead, & Anderson, P.A.,
Melbourne, for Appellant.

David J. Volk and Michael S. Dujovne, of
Volk Law Offices, P.A., Melbourne, for
Appellee.

PER CURIAM.

In this second appeal involving the same parties and the same case, the appellant, Patricia K. Stone, as Trustee of the Patricia K. Stone Revocable Trust Dated January 25, 2017 (“Stone”), challenges the trial court’s post-final judgment order denying her motion for attorney’s fees. Subsequently to this order, Stone prevailed in the first appeal when we affirmed, without opinion, the final judgment entered in her favor against the appellee, Jason Kubasky, after trial. *Kubasky v. Stone, as Tr. of the Patricia K. Stone Revocable Tr. Dated Jan. 25, 2017*, 315 So. 3d 669 (Fla. 5th DCA 2021). In the first appeal, we also granted Stone’s motion for an award of appellate attorney’s fees; and we remanded the case back to the trial court for the sole purpose of determining the amount of these fees.

Stone’s motion for appellate attorney’s fees filed in the first appeal raised the same grounds for entitlement to attorney’s fees as did her motion for an award of attorney’s fees in the trial court. That motion was denied by the lower court and is now before us in this instant appeal. Having determined in the first appeal that Stone is entitled to an award of reasonable attorney’s fees in this litigation, we reverse, under the law of the case doctrine,¹ the present denial order and remand with directions for the trial

¹ See *Specialty Rests. Corp. v. Elliott*, 924 So. 2d 834, 837 (Fla. 2d DCA 2005) (“When successive appeals are taken in the same case, the law of the case doctrine applies. Under [this] doctrine, questions of law that have

court to award to Stone attorney's fees for the services rendered by her counsel in the trial court proceedings.

REVERSED and REMANDED, with directions.

LAMBERT, C.J., EISNAUGLE and TRAVER, JJ., concur.

actually been decided on appeal must govern the case in the same court and in the trial court through all subsequent stages of the proceedings.”).