

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

JANUARY TERM 2011

MASNEY AUTO TRANSPORT, INC.,

Appellant,

v.

Case No. 5D10-1216

SHIPPER'S TRANSPORT COMPANY,

Appellee.

Opinion filed April 29, 2011

Appeal from the Circuit Court
for Orange County,
Julie H. O'Kane, Judge.

Keith A. Graham, of Marchena and
Graham, P. A., Orlando, for Appellant.

Sharon C. Degnan, of Kubicki Draper, Fort
Lauderdale, for Appellee.

PER CURIAM.

Masney Auto Transport, Inc. ["Masney"] obtained a judgment against Shipper's Transport Company ["Shipper's"] and now appeals the order denying Masney's motion for attorney's fees and the order striking Masney's claim for pre-judgment interest. Masney correctly contends that the trial court erred by striking its claim for pre-judgment interest on the \$155,399.00 of past, out-of-pocket, lost profits damages that the jury's verdict liquidated. *See Bosem v. Musa Holdings, Inc.*, 46 So. 3d 42 (Fla. 2010). The trial court's order denying Masney's motion for attorney's fees incurred due to Shipper's

refusals to admit certain of Masney's requests for admissions is affirmed without discussion.

AFFIRMED in part; REVERSED in part.

GRIFFIN, SAWAYA and ORFINGER, JJ., concur.