

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2007

JACQUELINE M. LEDEA-GENARO,
Appellant,

v.

JAMES W. GENARO,
Appellee.

No. 4D04-3322

[September 26, 2007]

ON MOTION FOR REHEARING

WARNER, J.

We deny the appellant's motion for rehearing. However, we address two issues to clarify our ruling.

First, although we noted that the wife did not request temporary alimony until the final hearing, we did not hold that she was required to request it prior to the hearing. The trial court also noted that the request did not come until the final hearing. However, the court denied relief, because the wife failed to prove her need for such alimony. We affirmed the trial court's ruling on that basis.

Second, with respect to the reimbursement of insurance payments, although the wife has now pointed us to a pay stub which shows what was deducted from her pay for medical insurance, it does not show the portion allocated to the husband's insurance. Furthermore, we note that in the proposed final judgment submitted by the wife, she did not include an amount owed but required an accounting and for the husband to pay within fifteen days of receiving the accounting from the wife. Of course, the wife had testified that she thought she had given the husband a statement of what he owed her, but she did not remember what that amount was. The trial court denied recovery because of a failure of proof, and the wife has not pointed to any competent evidence from which that amount can be determined. If the wife sought recovery for the amount of premiums, she should have presented that amount at the

final hearing. There is no requirement that the court continue a trial or have additional hearings when one of the parties does not present or forgets to present evidence at the final hearing without excuse.

GROSS and TAYLOR, JJ., concur.

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Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; William J. Berger, Judge; L.T. Case No. 2002 DR 7028 FY.

Tracy Belinda Newmark of Fixel & LaRocco & Newmark, Hollywood, for appellant.

Richard H. Gaines and Todd M. Feldman of Greenspoon Marder, P.A., Fort Lauderdale, for appellee.