

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SOUTHERN-OWNERS INSURANCE
COMPANY,

Plaintiff,

v.

Case No: 2:18-cv-21-JES-MRM

MAC CONTRACTORS OF FLORIDA,
LLC, PAUL S. DOPPELT,
Trustee of Paul S. Doppelt
Revocable Trust dated
12/08/90, and DEBORAH A.
DOPPELT, Trustee of Deborah
A. Doppelt Revocable Trust
dated 12/08/90,

Defendants.

OPINION AND ORDER

This matter comes before the Court on Appellant, MAC Contractors of Florida, LLC's Application for Appellate Attorney Fees (Doc. #128). The United States Court of Appeals for the Eleventh Circuit transferred this Application to the district court for "a determination of the matters of entitlement and the reasonable amount of appellate attorney's fees, if any, to be awarded." (Doc. #127.) Southern-Owners filed a Response in Opposition (Doc. #133.)

The Court has recently filed an Opinion and Order granting MAC Contractors of Florida, LLC (MAC Contractors) summary judgment in its favor as to the duty to defend. The Court denied summary

judgment as to Southern-Owners as to the duty to defend issue and found the issue of duty to indemnify moot. Judgment will be entered shortly.

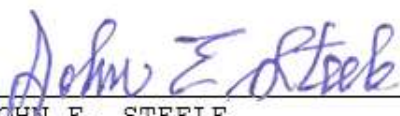
MAC Contractors seeks attorney fees pursuant to Fla. Stat. § 627.428. That statute, however, was repealed on March 24, 2023. While the Court will deny the motion, it will allow the filing of an amended motion addressing the impact of the repeal of § 627.248, if any, on the application for appellate fees.

Accordingly, it is now

ORDERED:

Appellant, MAC Contractors of Florida, LLC's Application for Appellate Attorney Fees (Doc. #128) is **DENIED** without prejudice to filing an amended motion within **twenty-one (21) days** of the judgment.

DONE AND ORDERED at Fort Myers, Florida, this 30th day of March 2023.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:
Counsel of record