

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SOUTHERN-OWNERS INSURANCE
COMPANY,

Plaintiff,

v.

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

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 plaintiff's Motion to Defer Rulings on MAC Contractors/KJIMS' Pending Motions (Doc. #169) filed on April 27, 2023. Defendant filed a Motion in Opposition (Doc. #170) on May 2, 2023.

Specifically, plaintiff seeks to defer consideration of the Motion for Entitlement to Attorneys' Fees and Costs, Renewed Application for Appellate Attorneys' Fees, and Response to Order Dated March 30, 2023 (Doc. #158) and Motion for Supplemental Relief (Doc. #159) while an appeal remains pending. In response, MAC Contractors indicates that it agrees to the stay of its Motion for Supplemental Relief pending appeal. Further, defendant also

agreed to a stay of the first motion "upon the condition that Southern-Owners stipulate to entitlement as to a certain date (it was suggested the date of the order on the motion for summary judgment or a date after the order as to when we thought entitlement would be decided)" for purposes of calculating prejudgment interest. (Doc. #170, p. 2.) Defendant argues that, under Florida law, "prejudgment interest begins to accrue on 'the date the entitlement to attorney fees [and] is fixed through agreement, arbitration award, or court determination.' Butler v. Yusem, 3 So. 3d 1185, 1186 (Fla. 2009) (citing Quality Eng'd Installation, Inc. v. Higley S. Inc., 670 So. 2d 929, 930-31 (Fla. 1996)." (Id., p. 6.)

"A prevailing party is entitled, under Florida law, to prejudgment interest. [] Prejudgment interest is, by definition, interest that accrues until judgment is rendered." Bel-Bel Int'l Corp. v. Cmty. Bank of Homestead, 162 F.3d 1101, 1110 (11th Cir. 1998). See also Argonaut Ins. Co. v. May Plumbing Co., 474 So. 2d 212, 214 (Fla. 1985) ("Florida has adopted the position that prejudgment interest is merely another element of pecuniary damages."). "[P]rejudgment interest accrues until the date of the judgment after which postjudgment interest begins to accrue." SEB S.A. v. Sunbeam Corp., 476 F.3d 1317, 1321 (11th Cir. 2007). The prejudgment interest is not dependent on the filing of the motion for entitlement or when the decision is rendered as to entitlement.

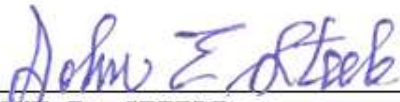
"Florida law does not allow for a gap in the award of prejudgment and postjudgment interest." SEB S.A., 476 F.3d at 1320 (citing Bel-Bel Int'l Corp. at 1110-11). The Court will defer the decision on both motions until the appeal is resolved and finds no prejudice to defendant.

Accordingly, it is hereby

ORDERED:

Plaintiff's Motion to Defer Rulings on KJIMS' Pending Motions (Doc. #169) is **GRANTED**. The Court will defer ruling on the Motion for Entitlement to Attorneys' Fees and Costs, Renewed Application for Appellate Attorneys' Fees, and Response to Order Dated March 30, 2023 (Doc. #158) and Motion for Supplemental Relief (Doc. #159) pending appeal. The Clerk shall terminate these motions until such time as the appeal is resolved and the motions may be reopened.

DONE and ORDERED at Fort Myers, Florida, this 21st day of June 2023.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:
Counsel of Record