

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

THOMAS E. KINNAN and  
BRENDA H. KINNAN,

Plaintiffs,

vs.

CASE NO. 3:08cv409-RS/MD

ADVANCED PLANNING  
SECURITIES, INC.,

Defendant.

---

**ORDER**

Before me are Plaintiffs' Motion to Confirm Arbitration Award and Memorandum in Support (Doc. 13), Plaintiffs' Motion for Determination of Entitlement to Attorneys' Fees and Memorandum in Support (Doc. 14), and Defendant's response (Doc. 15).

Plaintiff moves for confirmation of the arbitration award pursuant to Fla. Stat. § 682.12 (2008). Defendant agrees to confirmation of the arbitrators' decision which holds Advanced Planning liable for compensatory damages, prejudgment interest, costs, and expert witness fees totaling in excess of \$400,000. However, Defendant contends that there is no statutory or contractual basis to confirm the award of attorneys' fees.

Section 682.13, Florida Statutes, specifically states, “[T]he fact that the relief was such that it could not or would not be granted by a court of law or equity is not ground for vacating or refusing to confirm the award.” Therefore, the arbitration award is confirmed in its entirety.

**IT IS ORDERED:**

1. Relief requested by Plaintiffs’ Motion to Confirm Arbitration Award and Memorandum in Support (Doc. 13) is granted.
2. Plaintiffs shall comply with the requirements of Local Rule 54.1(E).

**ORDERED** on July 15, 2009.

/S/ Richard Smoak  
**RICHARD SMOAK**  
**UNITED STATES DISTRICT JUDGE**