

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

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

THE ESTATE OF CALEB TIMMOTHY  
ISENBERG, BY AND THROUGH MELANIE  
VICTORIA MCCULLOUGH, PERSONAL  
REPRESENTATIVE, THOMAS GLENN  
CONYERS, II, BY AND THROUGH HIS  
PARENT AND NATURAL GUARDIAN, ETC.,  
ET AL.,

Appellants,

v.

Case No. 5D20-285

SMITH EQUITIES CORPORATION AND  
GERALD A. SMITH,

Appellees.

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Opinion filed January 8, 2021

Appeal from the Circuit Court for  
Orange County,  
Luis Fernando Calderon, Judge.

E. Timothy McCullough, of  
McCullough & Mitchell, P.A.,  
Windermere, for Appellants.

Scott A. Cole, of Cole, Scott &  
Kissane, P.A., Miami, for Appellees.

PER CURIAM.

Appellants, the Estate of Caleb Timmothy Isenberg, by and through Melanie  
Victoria McCullough, Personal Representative, and T.G.C., II, by and through his parent

and natural guardian, Melanie Victoria McCullough, and their counsel, Earl Timothy McCullough (collectively, “Appellants”), appeal the trial court’s second amended final judgment awarding attorneys’ fees and costs against them pursuant to section 57.105, Florida Statutes (2019), and in favor of the Appellees, Smith Equities Corporation and Gerald A. Smith. We reverse because, as Appellants correctly argue on appeal, Appellees’ motion for fees was untimely pursuant to Florida Rule of Civil Procedure 1.525 (requiring the motion to be served “no later than 30 days after filing of the judgment” that “concludes the action as to that party”).

We decline Appellees’ invitation to create an exception to the rule’s time requirement. Such an exception would be contrary to the plain language of the rule. See *Saia Motor Freight Line, Inc. v. Reid*, 930 So. 2d 598, 600 (Fla. 2006) (describing rule 1.525 as a “bright-line time requirement”).

REVERSED.

LAMBERT, EISNAUGLE, and HARRIS, JJ., concur.