

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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Nos. 1D16-4972  
1D17-3532

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MOLLY A. BRUNSON,

Appellant,

v.

ADRIENNE ASHLEY, individually  
and CATHY ASHLEY LANE, her  
parent and natural guardian  
during her minority,

Appellees.

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**CORRECTED PAGES: pg 1 & 2**  
**CORRECTION IS UNDERLINED IN**  
**RED**  
**MAILED: May 3, 2019**  
**BY: KMS**

On appeal from the Circuit Court for Okaloosa County.  
John T. Brown, Judge.

May 2, 2019

PER CURIAM.

The trial court ordered that defendant Molly Brunson was not entitled to attorney's fees and costs because her proposals for settlement were invalid as they failed to address punitive damages, even though punitive damages were not pled by the plaintiffs, Ashley and Lane. This was error under *Aguado v. Miller*, 219 So. 3d 216, 217-18 (Fla. 1st DCA 2017) (finding that failure to include a statement that the proposal for settlement did not include punitive damages did not make the proposal invalid where the plaintiff did not seek punitive damages in the complaint). We,

therefore, reverse the trial court's order denying Brunson's motion to tax attorney's fees and costs and remand for a determination of the proper award. We also reverse the trial court's final judgment in favor of Ashley and Lane, and remand to the trial court for determination of recoverable taxable costs in favor of Brunson. As to the cross-appeal, we affirm.

AFFIRMED in part, REVERSED in part, and REMANDED for further proceedings.

B.L. THOMAS, C.J., and MAKAR and WINSOR, JJ., concur.

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***Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.***

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Rhonda B. Boggess of Taylor, Day, Grimm & Boyd, Jacksonville, and James A. McGhee of Kirkland McGhee & Gann, P.A., Pensacola, for Appellant.

Charles F. Beall, Jr., of Moore, Hill & Westmoreland, P.A., Pensacola, and David A. Simpson and Jonathan D. Simpson of Simpson Law Firm, Fort Walton Beach, for Appellees.