

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D18-2103

FCCI COMMERCIAL INSURANCE
COMPANY,

Appellant,

v.

PULTE HOME CORPORATION, a
Michigan Corporation,

Appellee.

On appeal from the Circuit Court for Duval County.
Kevin Blazs, Judge.

March 18, 2019

PER CURIAM.

The Court has determined that the order on appeal is not a final, appealable order as it fails to complete the judicial labor in the case. Accordingly, Appellee's motion to dismiss the appeal is granted and the appeal is dismissed.

Appellee's motion for attorney's fees based on section 627.428, Florida Statutes, is provisionally granted. In the event Appellee prevails before the trial court, the trial court shall determine Appellee's entitlement to fees for this appeal pursuant to section 627.428. If the trial court finds Appellee is entitled to fees, the

trial court shall assess fees against Appellant pursuant to section 627.428.

In light of the dismissal, all other pending motions are denied as moot.

ROWE, BILBREY, and KELSEY, JJ., concur.

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

Robert M. Darroch, Brett A. Smith and Cathi M. Carson-Freyman of Goodman McGuffey LLP, Sarasota, for Appellant.

Mark A. Boyle and Amanda K. Anderson of Boyle & Leonard, P.A., Fort Myers, for Appellee.