

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2005*

**ARCANUM INVESTIGATIONS, INC.**, a Virginia corporation, and  
**DOCUSEARCH, INC.**, a Florida corporation,  
Appellants,

v.

**CHOICEPOINT PUBLIC RECORDS, INC.**, a Georgia corporation,  
Appellee.

No. 4D04-3390

[August 24, 2005]

PER CURIAM.

This is an appeal and cross-appeal from a final judgment entered in favor of appellee, ChoicePoint Public Records, Inc., and against appellants, Arcanum Investigations, Inc., and DocuSearch, Inc., in a lawsuit alleging civil conspiracy, breach of contract, and fraud. After entry of summary judgment as to liability in favor of ChoicePoint, the trial court held a non-jury trial and found Arcanum and DocuSearch jointly and severally liable for compensatory damages in the amount of \$67,561.19 and \$500 in attorney's fees. Additionally, the trial court found ChoicePoint failed to establish its claim for punitive damages, which is the basis for the cross-appeal. We find the evidence supported compensatory damages in the amount of only \$67,086.16, but otherwise affirm the order on appeal.

We have considered the other arguments on appeal and cross-appeal, and find no error. Appellants did not object to the trial court's proceeding on the issue of damages in the absence of a jury until the non-jury trial was well underway; such objection was simply too late to avoid waiver of the right to jury trial. See *Del-Rena, Inc. v. KFM, Inc.*, 789 So. 2d 397, 398 (Fla. 4th DCA 2001) (reaffirming principle that participation in non-jury trial without objection constitutes waiver of the right to jury trial) (citing *Barth v. Fla. State Constructors Serv., Inc.*, 327 So. 2d 13, 15 (Fla. 1976)). Accordingly, we affirm in part, reverse in part and remand for the trial court to amend the verdict consistent with this decision.

*Affirmed in part, Reversed in part and Remanded.*

STEVENSON, C.J., POLEN and TAYLOR, JJ., concur.

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Appeal and cross-appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Karen M. Miller, Judge; L.T. Case Nos. CA 01-13348 AA, 502001CA013348XXOCAA.

Stuart Reed of Legal & Compliance, L.L.C., Miami Beach, for appellants.

Rima Y. Mullins, Faith E. Gray and James N. Robinson of White & Case LLP, Miami, for appellee.

***Not final until disposition of timely filed motion for rehearing.***