

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2006

MICHAEL R. BANKS,
Appellant,

v.

MAXWELL BUILDING CORPORATION,
Appellee.

No. 4D05-2515

[April 12, 2006]

KLEIN, J.

We affirm a judgment awarding section 57.105, Florida Statutes (2003) attorney's fees against attorney Michael Banks. We reject his arguments on the merits as well as his argument that the court erred in awarding fees for a paralegal who did not testify at the evidentiary hearing. In *Toledo v. Wisk*, 754 So. 2d 83 (Fla. 4th DCA 2000), we held that it was not necessary for all attorneys who worked on a case to testify at an attorney's fee hearing, where an attorney who was most heavily involved testified as to the efforts expended by the firm. It follows that if it is unnecessary for all attorneys to testify, it is unnecessary for a paralegal to testify. *Affirmed.*

POLEN and SHAHOOD, JJ., concur.

* * *

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Catherine M. Brunson, Judge; L.T. Case No. CA 02-00075 AH.

Julie K. Oldehoff of the Oldehoff Law Offices, Stuart, for appellant.

No appearance for appellee.

Not final until disposition of timely filed motion for rehearing.