

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

CITY OF ST. PETERSBURG,)
)
 Appellant,)
)
 v.) Case No. 2D04-47
)
 ELMER DANIEL PATTERSON,)
)
 Appellee.)
)
 _____)

Opinion filed September 10, 2004.

Appeal from the Circuit Court for Pinellas
County; John C. Lenderman, Judge.

John C. Wolfe, City Attorney, and Ernest
Mueller and Thomas Bustin, Assistant City
Attorneys, St. Petersburg, for Appellant.

Jennifer J. Card and Scot E. Samis of Abbey,
Adams, Byelick, Kiernan, Mueller & Lancaster,
L.L.P., St. Petersburg; and Diane Bailey of Law
Offices of Diane Bailey, P.A., St. Petersburg,
for Appellee.

PER CURIAM.

In this appeal, the City of St. Petersburg challenges an order of the circuit court granting mandamus relief. We affirm and direct the Civil Service Board of the City

of St. Petersburg to convene and consider Petitioner Patterson's motion for attorney's fees and costs.

Affirmed.

FULMER, DAVIS, and KELLY, JJ., Concur.