

IN THE SECOND DISTRICT COURT OF APPEAL, LAKELAND, FLORIDA

March 12, 2010

ELIZABETH A. ZUBERER,)	
)	
Appellant,)	
)	
v.)	Case No. 2D09-691
)	
ERNEST H. ZUBERER, III,)	
)	
Appellee.)	
_____)	

BY ORDER OF THE COURT:

Appellant's motion for rehearing filed January 29, 2010, is granted.

Appellee's motion for rehearing filed January 25, 2010, is granted. The opinion dated January 20, 2010, is withdrawn, and the attached opinion is substituted therefor. No further motions for rehearing will be entertained in this appeal.

I HEREBY CERTIFY THE FOREGOING IS A
TRUE COPY OF THE ORIGINAL COURT ORDER.

JAMES BIRK HOLD, CLERK

sanction for her failure to attend the first trial. The trial court's ruling addressed only entitlement to fees; the issue is not ripe for appeal until it determines the amount. See McIlveen v. McIlveen, 644 So. 2d 612, 612 (Fla. 2d DCA 1994) (holding that an order that determines only the right to attorney's fees without setting the amount is a nonappealable, nonfinal order); Consumer Lightning Prods., Inc. v. Allen Enters., Inc., 911 So. 2d 884, 884 (Fla. 2d DCA 2005).

Affirmed in part and dismissed in part.

VILLANTI and WALLACE, JJ., Concur.