

Supreme Court of Florida

THURSDAY, MARCH 13 ,2014

CASE NO(S): SC12-157

Lower Tribunal No.: 5D09-1488; 5D09-2091;
05-2007-CA-22134

STATE FARM MUTUAL
AUTOMOBILE INSURANCE
COMPANY

vs. ROBIN CURRAN

Petitioner(s)

Respondent(s)

Respondent's motion for appellate attorney's fees for services rendered in this Court pursuant to section 627.428, Florida Statutes (2011), is hereby provisionally granted and remanded to the trial court to determine the amount. Respondent's additional request for a conditional award of fees and costs pursuant to section 768.79, Florida Statutes (2011), is hereby denied. Respondent's motion for review of the Fifth District's order denying respondent's motion for appellate attorney's fees is hereby denied as untimely pursuant to Florida Rule of Appellate Procedure 9.400(c).

Petitioner's motion for appellate attorney's fees and costs for services rendered in this Court pursuant to section 768.79, Florida Statutes, is hereby denied.

PARIENTE, LEWIS, QUINCE, LABARGA, and PERRY, JJ., concur.
POLSTON, C.J., dissents with an opinion, in which CANADY, J., concurs.

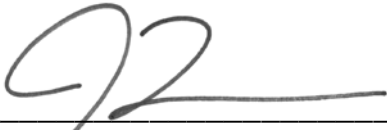
POLSTON, C.J., dissenting.

Because I would order the trial court to vacate the judgment against State Farm, I would deny Curran's motion for attorney's fees and grant State Farm's

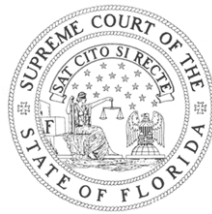
motion for attorney's fees, conditioned upon the trial court's finding that State Farm is entitled to fees pursuant to its proposal for settlement.

CANADY, J., concurs.

A True Copy
Test:



John A. Tomasino
Clerk, Supreme Court



Served:

HON. PAMELA R. MASTERS, CLERK
ELIZABETH KOEBEL RUSSO
THE TURNER LAW FIRM, LLC
O. JOHN ALPIZAR
MARJORIE GADARIAN GRAHAM
GARY M. FARMER
BARD DANIEL ROCKENBACH
HON. BRUCE WALDRON JACOBUS, JUDGE
HON. MITCH NEEDELMAN, CLERK