

# Third District Court of Appeal

State of Florida

Opinion filed August 5, 2020.

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No. 3D19-933  
Lower Tribunal No. 14-866-P

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**The Silver Law Group, P.A.,**  
Appellant/Cross-Appellee,

vs.

**Paul Bates, et al.,**  
Appellees/Cross-Appellants.

An Appeal from the Circuit Court for Monroe County, Mark H. Jones, Judge.

Annesser Armenteros, PLLC, f/k/a Annesser & Chaiken, PLLC, and John W. Annesser, Miguel Armenteros and Megan Conkey Gonzalez, for appellant/cross-appellee.

Klein Glasser Park & Lowe, P.L., and Robert M. Klein and Andrew M. Feldman; McDonald & McDonald, and David M. McDonald, for appellees/cross-appellants.

Before SCALES, LINDSEY and LOBREE, JJ.

On Motion for Clarification

PER CURIAM.

On June 17, 2020, this Court issued an opinion in Silver Law Group, P.A. v. Bates, 3D19-933, 45 Fla. L. Weekly D1461 (Fla. 3d DCA June 17, 2020). On July 2, 2020, The Silver Law Group, P.A. filed a Motion for Rehearing and/or Rehearing *En Banc* and Request for Certification of Conflict to the Florida Supreme Court. We treat The Silver Law Group's motion as one seeking clarification of our June 17, 2020 opinion, and we grant same. We withdraw this opinion and substitute the following opinion in its place.

In these cross-appeals, the parties challenge a May 7, 2019 final order of the trial court that awarded appellant/cross-appellee Silver Law Group, P.A. ("Silver") a total of \$114,726.50 in fees as a sanction pursuant to section 57.105 of the Florida Statutes. Silver argues that the trial court abused its discretion by not awarding Silver the full amount of fees it sought. Appellees/cross-appellants Paul Bates and Coconut Cove Resort & Marina, Inc. (together, "Bates") and Bates's counsel below, Chepenik Trushin, LLP and Bradley Trushin, argue that the trial court abused its discretion by awarding any fees to Silver under section 57.105.

Based on the record before us, we affirm the trial court's final order awarding fees as a sanction against Bates and against Chepenik Trushin, LLP and Bradley Trushin. We are compelled, however, to reverse the portion of the award that represents fees incurred for litigating the amount of fees. Eisman v. Ross, 664

So. 2d 1128, 1129 (Fla. 3d DCA 1995). We remand for the trial court to enter a revised order that reflects our ruling.

Affirmed in part and reversed in part, and remanded with instructions.