

# **Third District Court of Appeal**

## **State of Florida**

Opinion filed June 17, 2020.  
Not final until disposition of timely filed motion for rehearing.

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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 H. Conkey, 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.

PER CURIAM.

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. 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.