

Third District Court of Appeal

State of Florida, July Term, A.D. 2010

Opinion filed January 5, 2011.

Not final until disposition of timely filed motion for rehearing.

No. 3D10-678

Lower Tribunal No. 04-10848

Bonnie Greenberg,
Appellant,

vs.

Schindler Elevator Corporation, a foreign corporation,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Ronald C. Dresnick, Judge.

Samuel M. Yaffa, (Delray Beach); Marjorie Gadarian Graham, (Palm Beach), for appellant.

Sedgwick, Detert, Moran & Arnold, Lenore C. Smith, Jeannine C. Jacobson and Richard P. Hermann, II, (Ft. Lauderdale), for appellee.

Before WELLS, SUAREZ, and CORTIÑAS, JJ.

WELLS, Judge.

Bonnie Greenberg, the plaintiff below, appeals from an order awarding attorney's fees and costs to Schindler Elevator Corporation, pursuant to a proposal for settlement under section 768.79 of the Florida Statutes. Because this Court has reversed the underlying final judgment and remanded for a new trial, see Greenberg v. Schindler Elevator Corp., 35 Fla. L Weekly D2396 (Fla. 3d DCA Oct. 27, 2010), the order awarding fees and costs to the appellee must also be reversed.

Reversed.