

NOT FINAL UNTIL TIME EXPIRES  
TO FILE REHEARING MOTION AND,  
IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
JANUARY TERM, 2004

UNITED AUTOMOBILE INSURANCE  
COMPANY,

\*\*

Appellant,

\*\*

vs.

CASE NO. 3D03-1322

\*\*

MICHAEL O'SHIELDS,

LOWER

\*\*

Appellee.

TRIBUNAL NO. 00-941

\*\*

Opinion filed February 18, 2004.

An Appeal from the Circuit Court for Dade County, Jon I.  
Gordon, Judge.

Conroy, Simberg, Ganon, Krevans & Abel and Hinda Klein  
(Hollywood), for appellant.

Benson, McGrath, Douglas, Phillips & Ross and Donald H.  
Benson (Ft. Lauderdale), for appellee.

Before SCHWARTZ, C.J., and LEVY and SHEVIN, JJ.

PER CURIAM.

The denial of defendant/appellant's Motion for Attorneys' Fees

and Costs is affirmed without prejudice, and the said Motion may be renewed after the trial court determines whether the plaintiff/appellee is entitled to attorney's fees and, if the appellee is entitled to attorney's fees, the amount of those fees. It should be noted that, through this Opinion, this Court declines to make a finding as to whether the plaintiff/appellee is entitled to attorney's fees.

Affirmed.