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, A.D. 2004

VIRGINIA INVESTMENT FUND \*\*
LIMITED PARTNERSHIP, formerly
Known as International \*\*
Financial Management Associates
Limited Partnership, a \*\*
Delaware limited partnership,
JAMES RIVER CAPITAL CORP., a \*\*
Delaware corporation, PAUL H.
SAUNDERS, individually, and \*\*
KEVIN M. BRANDT, individually,

\*\* CASE NO. 3D03-2031

Appellants,

\* \*

vs. LOWER

\*\* TRIBUNAL NO. 99-13757

JAMES NOLAN,

\* \*

Appellee. \*\*

Opinion filed March 10, 2004.

An appeal from the Circuit Court for Miami-Dade County, Jeri B. Cohen, Judge.

Sidley, Austin, Brown & Wood, LLP, and Thomas K. Cauley, Jr., and Brian A. McAleenan (Illinois); Sullivan & Rivero, P.A. and Lisa Berlow-Lehner, for appellants.

Hall, David, and Joseph, P.A. and Christopher M. David, for appellee.

Before GODERICH, GREEN, and WELLS, JJ.

PER CURIAM.

Finding that the trial court did not abuse its discretion in denying the appellant/defendant's motion for attorney's fees pursuant to section 57.105, Florida Statutes (2000), we affirm.

See Thomas v. Perkins, 723 So. 2d 293, 294 (Fla. 3d DCA 1998) (holding that an order granting or denying attorney's fees is reviewed on an abuse of discretion standard). See also Strothman v. Henderson Mental Health Ctr., Inc., 425 So. 2d 1185 (Fla. 4th DCA 1983) (finding the mere failure of party to state cause of action in its original or amended pleadings not sufficient, in and of itself, to support sanctions under section 57.105); Dade County Sch. Bd. v. Radio Station WOBA, 731 So. 2d 638, 644-45 (Fla. 1999) (holding that ruling of trial court will be upheld even if court reached right result but for wrong reason).

Affirmed.