

**IN THE SUPREME COURT OF FLORIDA**

HEATHER WORLEY,

Petitioner,

Case No. SC15-1086

v.

L.T. Case Nos. 5D14-3895,  
482012CA001009A001OX

CENTRAL FLORIDA YOUNG  
MEN’S CHRISTIAN, ETC.,

Respondents.

\_\_\_\_\_ /

**PETITIONER’S MOTION FOR ATTORNEYS’ FEES**

Pursuant to Rule 9.400(b) of the Florida Rules of Appellate Procedure, Rule 1.442 of the Florida Rules of Civil Procedure, and sections 45.061 and 768.79, Florida Statutes (2012), Petitioner, HEATHER WORLEY (“Plaintiff”) asks this Court to enter an order directing Respondent, Central Florida Young Men’s Christian Association, Inc. (“Defendant”), to pay the appellate attorneys’ fees incurred by Plaintiff in this appeal. The motion is supported on the following grounds:

1. Plaintiff filed a personal injury, negligence action in the circuit court, seeking to recover for her injuries and damages that were caused by Defendant.
2. During the litigation, Plaintiff served a proposal for settlement to Defendant in the amount of \$59,999.00. A copy of this proposal for settlement is attached as Exhibit “A”.

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3. Defendant failed to accept the proposal for settlement within thirty days of service.

4. Although this case has not yet gone to trial, if Plaintiff prevails below and obtains a judgment that is twenty-five (25%) greater than \$59,999.00, then Plaintiff would be entitled to an award of all of Plaintiff's attorneys' fees incurred since the service of the attached Proposal for Settlement, including but not limited to the fees incurred in the appeal before this Court.

5. As a result, should Plaintiff prevail on her appeal, this Court should issue an Order granting Petitioner's Motion for Attorneys' Fees, conditioned upon Plaintiff prevailing at trial below and obtaining a verdict and judgment that is twenty-five (25%) greater than \$59,999.00.

WHEREFORE, Petitioner, Heather Worley, respectfully moves this Court for a conditional award of attorneys' fees in this appeal.

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent by email to Joseph Flood, Jr. ([jflood@drml-law.com](mailto:jflood@drml-law.com); [judy@drml-law.com](mailto:judy@drml-law.com)), Jessica C. Conner ([jessica.conner@drml-law.com](mailto:jessica.conner@drml-law.com)), and Lamar D. Oxford ([loxford@drml-law.com](mailto:loxford@drml-law.com)), Dean, Ringers, Morgan, & Lawton, P.A., Post Office Box 2928, Orlando, Florida 32802-2928, Sharon C. Degnan ([scd@kubickidraper.com](mailto:scd@kubickidraper.com)) and Caryn Bellus ([cb@kubickidraper.com](mailto:cb@kubickidraper.com)), Kubicki

Draper, P.A., 25 West Flagler Street, Penthouse, Miami, FL 33130, Katherine E. Giddings ([katherine.giddings@akerman.com](mailto:katherine.giddings@akerman.com)) and Diane G. DeWolf ([diane.dewolf@akerman.com](mailto:diane.dewolf@akerman.com), [elisa.miller@akerman.com](mailto:elisa.miller@akerman.com), [michele.rowe@akerman.com](mailto:michele.rowe@akerman.com)), Ackerman LLP, 106 East College Avenue, Suite 1200, Tallahassee, FL 32301, David I. Spector ([david.spector@akerman.com](mailto:david.spector@akerman.com), [barbara.dormand@akerman.com](mailto:barbara.dormand@akerman.com)), Ackerman LLP, 777 So. Flagler Dr., Suite 1100 West, West Palm Beach, FL 33401, and William W. Large ([william@fljustice.com](mailto:william@fljustice.com)), Florida Justice Reform Institute, 210 South Monroe Street, Tallahassee, FL 32301; this 10<sup>th</sup> day of February 2016.

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Attorneys for Petitioner

IN THE CIRCUIT COURT OF THE  
NINTH JUDICIAL CIRCUIT, IN AND  
FOR ORANGE COUNTY, FLORIDA

CASE NO. 2012-CA-001009-O

HEATHER WORLEY,

Plaintiff,

vs.

CENTRAL FLORIDA YOUNG MEN'S  
CHRISTIAN ASSOCIATION, INC.,

DefendantS.

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**NOTICE OF SERVICE OF PROPOSAL FOR SETTLEMENT**

COMES NOW the Plaintiff, HEATHER WORLEY, by and through her undersigned counsel, and hereby gives notice of serving a Proposal for Settlement upon Defendant, CENTRAL FLORIDA YOUNG MEN'S CRISTIAN ASSOCIATION, INC.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 5<sup>th</sup> day of December, 2012, I electronically filed the foregoing with the Clerk of Court by using the ECF system. I FURTHER CERTIFY that a copy was emailed to Joseph Flood, Jr., Esquire, [jflood@drml-law.com](mailto:jflood@drml-law.com) and [judy@drml-law.com](mailto:judy@drml-law.com)

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Exhibit A

IN THE CIRCUIT COURT OF THE  
NINTH JUDICIAL CIRCUIT, IN AND  
FOR ORANGE COUNTY, FLORIDA

CASE NO. 2012-CA-001009-O

HEATHER WORLEY,

Plaintiff,

vs.

CENTRAL FLORIDA YOUNG MEN'S  
CHRISTIAN ASSOCIATION, INC.,

Defendant.

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**PROPOSAL FOR SETTLEMENT**

Plaintiff, by and through her undersigned counsel, pursuant to Section 768.79, Florida Statutes and Rule 1.442, Florida Rules of Civil Procedure, hereby proposes settlement in the above-styled cause as follows:

1. This proposal for settlement is made by the Plaintiff, HEATHER WORLEY;
2. This proposal for settlement is made to Defendant, CENTRAL FLORIDA YOUNG MEN'S CHRISTIAN ASSOCIATION, INC.;
3. This proposal is to settle all claims and counts pled by Plaintiff against Defendant in the above-styled action;
4. This proposed settlement amount includes all claims by and between the above-identified parties and is without prejudice to any claims Plaintiff may have against any other person or party;
5. Plaintiff proposes to settle all claims herein against Defendant for the total sum of FIFTY NINE THOUSAND, NINE HUNDRED NINTY NINE DOLLARS (\$59,999.00);
6. There is no claim for punitive damages;

7. Plaintiff and said Defendant shall bear their respective attorneys' fees if the proposed settlement is accepted by Defendant,

8. This proposal to settle all claims herein for the total sum of FIFTY NINE THOUSAND, NINE HUNDRED NINETY NINE DOLLARS (\$59,999.00) will be attributed as follows: 100% to Defendant;

9. If this proposal to settle is accepted, Plaintiff will file a voluntary dismissal with prejudice as to all claims against Defendant;

10. Pursuant to Rule 1.442, Florida Rules of Civil Procedure, and Section 768.79, Florida Statutes, this proposal for settlement shall be served on the above-named party to whom it is being made, but shall not be filed unless it is accepted or unless filing is necessary to enforce the provisions of this rule.

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 5<sup>th</sup> day of December, 2012, I electronically filed the foregoing with the Clerk of Court by using the ECF system. I FURTHER CERTIFY that a copy was emailed to Joseph Flood, Jr., Esquire, [jflood@drml-law.com](mailto:jflood@drml-law.com) and [judy@drml-law.com](mailto:judy@drml-law.com)

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