

IN THE SUPREME COURT OF FLORIDA

JAMES SEADLER,

Appellant,

v.

MARINA BAY RESORT
CONDOMINIUM ASSOCIATION
d/b/a MARINA BAY RESORT,

Appellee.

CASE NO. SC22-984

L.T. CASE NO. 2016-CA-4539

APPELLANT'S MOTION FOR APPELLATE ATTORNEYS' FEES

Pursuant to Fla. R. App. P. 9.400 and § 768.79, Fla. Stat., Appellant, James Seadler, respectfully requests the Court enter an order permitting the trial court to award him the reasonable attorney's fees he incurs in this appeal if the trial court determines that he is otherwise entitled to an award of attorney's fees. In support of this motion, Appellant states:

1. This matter is before this Court on discretionary review of a decision from the First District Court of Appeal, which affirmed a final judgment for Plaintiff following a jury verdict in Mr. Seadler's favor. Mr. Seadler appealed because the damages awarded were inadequate.

2. On August 11, 2017, Mr. Seadler served a proposal for settlement under Fla. R. Civ. P. 1.442 and § 768.79, Fla. Stat., on Defendant/Appellee, Marina Bay

Resort Condominium Association d/b/a Marina Bay Resort (“Marina Bay”) in the amount of \$140,000.00.

3. Marina Bay did not accept the proposal.

4. In the event Mr. Seadler is successful in this appeal and obtains a new trial, and if the trial court eventually enters a judgment in favor of Mr. Seadler that would entitle him to an award of attorney’s fees under § 768.79, Fla. Stat. under his proposal for settlement, the trial court should be permitted to include the fees he incurred in this appeal in that award. *See, e.g., Mark C. Arnold Constr. Co. v. Nat’l Lumber Brokers, Inc.*, 642 So. 2d 576 (Fla. 1st DCA 1994) (awarding appellate attorney’s fees under section 768.79).

WHEREFORE, Appellant respectfully requests that the Court enter an order permitting the trial court to award him the reasonable attorney’s fees he incurs in this appeal if the trial court determines that he is otherwise entitled to an award of attorney’s fees.

Respectfully submitted,

/s/ Charles F. Beall, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2023, I served the foregoing motion by electronic delivery upon the following:

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