

IN THE DISTRICT COURT OF APPEAL OF FLORIDA  
THIRD DISTRICT

THE RESPONSIVE AUTO  
INSURANCE COMPANY,

Appellant,

vs.

CASE NO: 3D23-627

LT NO:16-005368 SP 23

NEW LIFE REHAB MEDICAL  
CENTER, a/a/o YISANDRA  
ROSS PEREZ,

Appellee.

**APPELLANT'S MOTION FOR APPELLATE ATTORNEY'S FEES**

The Appellant, THE RESPONSIVE AUTO INSURANCE COMPANY ("RESPONSIVE"), by and through its undersigned attorney, and pursuant to Rules 9.300 and 9.400, F.R.A.P. and F.S. Section 768.79, files its motion for an award of Appellate Attorney's fees in this matter as follows:

1. On July 5, 2016, RESPONSIVE served a Proposal for Settlement on NEW LIFE REHAB MEDICAL CENTER, a/a/o Yisandra Ross Perez.
2. If RESPONSIVE is the prevailing party on appeal and/or then prevails below, it would be entitled to an award of Appellate Attorney's Fees for the services of its counsel for this appeal based on the proposal for settlement.

3. An order of this Court is necessary to authorize the trial court on remand to consider both entitlement and amount of appellate attorney's fees. See State Farm Fire and Cas. Co. v. Rembrandt Mobile Diagnostics, Inc., 93 So.3d 1161 (Fla. 4th DCA 2012).

Wherefore, Appellant, THE RESPONSIVE AUTO INSURANCE COMPANY, respectfully requests that if it prevails on appeal in this Court, that the Court enter an order granting this Motion for Appellate Attorney's Fees and further remand this matter to the trial court to determine entitlement and amount at the appropriate time consistent with this Court's rulings.

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via email this 13th day of October, 2023 to **Maria Corredor, Esq.**, Corredor & Hussein, P.A., Co-Counsel for Appellee, 3905 N.W. 107 Avenue, Suite 502, Doral, FL 33178 and **David B. Pakula, Esq.**, DAVID B. PAKULA, P.A., Co-Counsel for Appellee, 12301 Taft Street, Suite 200, Pembroke Pines, FL 33026.

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By /s/Charles L. Vaccaro  
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