

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT, IN
AND FOR MIAMI-DADE COUNTY,
FLORIDA.

APPELLATE DIVISION

CASE NO.: 10-259 AP
LT Reso. Nos. 2010-48 and 2011-53

PALMER TRINITY PRIVATE SCHOOL,
INC.,

Petitioner,

vs.

VILLAGE OF PALMETTO BAY, FLORIDA,
et al.,

Respondents.

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JACQUELINE ABU-NASSAR

ORDER ON MOTION FOR ATTORNEY'S FEES AND COSTS

This matter came before the court on the Renewed Motion of Petitioner, Palmer Trinity Private School, Inc. ("Palmer Trinity"), for Attorney's Fees and Costs, filed on July 20, 2012, seeking an award of fees against Respondent, Village of Palmetto Bay, ("the Village"), and an award of costs against the Village and Respondents/Intervenors, Concerned Citizens of Old Cutler, Inc. and Betty Pegram ("the Intervenors"), jointly and severally.

A Mandate was issued in this case on January 11, 2012. Thereafter, on February 8, 2012, Palmer Trinity filed its initial Motion to Tax Costs. On March 8, 2012, this Court entered an order reserving ruling on Palmer Trinity's Motion to Tax Costs pending disposition of this case by the Third District Court of Appeal, Case No. 3D 12-190. On July 5, 2012, the Third District issued its opinion denying the Petition filed by the Village which sought to overturn this Court's decision of December 22, 2011, that preceded the January 2012 Mandate.

On July 13, 2012, the Third District Court of Appeal granted Palmer Trinity's Motion for Attorney's Fees and Costs against the Village only. However, on September 18, 2012, the Third District

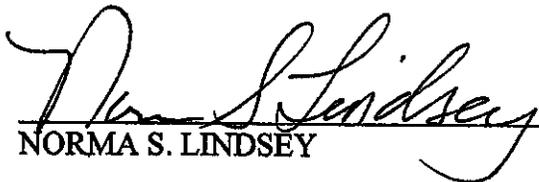
granted the Village's Motion for Rehearing and denied Palmer Trinity's Motion for Attorney's Fees and Costs.

Upon consideration by the court, Palmer Trinity's Renewed Motion for Attorney's Fees and Costs is hereby DENIED.

JOEL H BROWN and NORMA S LINDSEY, JJ CONCUR¹

It is so ordered this 5th day of NOVEMBER, 20 12.


JOEL H. BROWN


NORMA S. LINDSEY

CC: EVA A. BOUTSIS, ESQ.
RAOUL G. CANTERO, ESQ.
ELIZABETH COPPOLECCHIA, ESQ.
W. TUCKER GIBBS, ESQ.
EVAN M. GOLDBERG, ESQ.
EILEEN BALL MEHTA, ESQ.
STANLEY B. PRICE, ESQ.
ERIC SINGER, ESQ.

¹ Joseph P. Farina, originally a member of the circuit appellate panel assigned to this case, retired from the Court in August of this year and, thus, did not participate in this decision.