

FILED

IN THE SUPREME COURT OF FLORIDA

SID J. WHITE

OCT 7 1994

BARBARA ARENDS,
Petitioner,

CLEARING HOUSE COURT
CLERK

vs.

CASE NO.: 91,118

JUANNA CRIBBS BALL and
WALTER C. BALL,
Respondents.

_____ /

REPLY BRIEF OF PETITIONER, BARBARA ARENDS

BROWN, OBRINGER, SHAW, BEARDSLEY
& DECANDIO
Professional Association

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Attorneys for Petitioner

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UNDER THE APPLICABLE VERSION OF SECTION
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ARGUMENT

UNDER THE APPLICABLE VERSION OF SECTION
768.79, FLORIDA STATUTES, THE TRIAL JUDGE
CORRECTLY AWARDED ATTORNEY'S FEES AFTER
PLAINTIFFS' FILED A NOTICE OF VOLUNTARY
DISMISSAL.

Appellee is correct that the issue has been decided by this Court in MX Investments, Inc. v. Crawford, 22 F.L.W. 5503 (Fla. 1997). Appellee is also correct that this Court in MX Investments, Inc. v. Crawford, supra, approved the First District's holding and that the First District reached the same holding in this case.

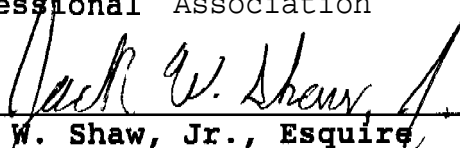
As of this writing, a Motion For Rehearing is pending in MX Investments, Inc. v. Crawford, supra. Unless this Court grants rehearing in Mx Investments, it should approve the First District's decision in this case.

CONCLUSION

The result in this case will be dictated by the Court's decision in MX Investments, Inc. v. Crawford, supra.

Respectfully submitted,

BROWN, OBRINGER, SHAW, BEARDSLEY
& DECANDIO
Professional Association

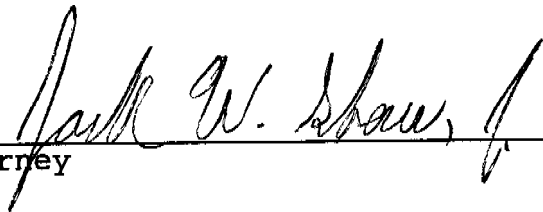


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to Jefferson W. Morrow, Esquire, 1301 Gulf Life Drive, Suite 2501, Jacksonville, FL 32207, by U.S. Mail, this 5th day of October, 1997.



Attorney

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