

IN THE SUPREME COURT OF THE STATE OF FLORIDA
CASE NO. SC19-385

STEVEN YOUNKIN,

Petitioner

v.

NATHAN BLACKWELDER,

Respondent.

_____ /

**RESPONDENT'S RESPONSE TO PETITIONER'S
MOTION FOR APPELLATE ATTORNEY'S FEES**

Respondent, NATHAN BLACKWELDER, responds to Petitioner STEVEN YOUNKIN's "Motion for Appellate Attorney's Fees" and states:

1. Petitioner has filed a notice to invoke the discretionary jurisdiction of this Court to review a certified question from the Fifth District Court of Appeal. This Court has not yet accepted jurisdiction over the matter.

2. Before it has filed a jurisdictional brief, Petitioner seeks appellate attorneys' fees. However, this motion is "provisional"—contingent upon this Court's accepting jurisdiction, contingent on Petitioner prevailing, and contingent upon "the event [Petitioner] prevails below and beats the proposal for settlement after trial."

Motion at ¶ 10.

3. Notwithstanding the contingent nature of Petitioner's Motion, the Trial Court must also determine whether the "proposal for settlement" itself is valid and

legally sufficient to trigger an award of fees. Petitioner has attached his “proposal for settlement” to support his Motion, and the “proposal for settlement” is facially invalid and fails to comply with the plain requirements of § 768.79, Fla. Stat., Fla. R. Civ. P. 1.442, and Florida law. Therefore, the “proposal for settlement” does not serve as a valid basis for appellate attorney’s fees.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail to: George H. Anderson, III Esq. (Dutch.Anderson@newlinlaw.com; Anderson.pleadings@newlinlaw.com), Dan Newlin & Partners, 7335 W Sand Lake Road, Orlando, FL 32819; Kansas R. Gooden, Esq. (kgooden@boydjen.com), Boyd & Jenerette, P.A., 201 North Hogan Street, Suite 400 Jacksonville, Florida 32202; and Amanda E. Wright, Esq. (OrlandoLegal@Allstate.com), Law Offices of Robert J. Smith, 390 North Orange Avenue, Suite 895, Orlando, FL 32801-1635, this 18th day of March, 2018.



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