

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, P.O. BOX 3315, WEST PALM BEACH, FL 33402

July 28, 2004

CASE NO.:4D03-1677
L.T. No. : 96-12946 CACE03

MARK B. PERLMAN, DAVID K.
BRENNER, ETC., ET AL.

v.

ABEL & ZIMMERMAN

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY-ORDER OF THE COURT:

ORDERED that the appellee Abel & Zimmerman's motion for attorney's fees filed November 25, 2003, is granted under contract against Brenner. On remand the trial court shall set the amount of the attorney's fees to be awarded for this appellate case. If a motion for rehearing is filed in this court, then services rendered in connection therewith, including but not limited to preparation of a responsive pleading, shall be taken into account in computing the amount of the fee.

ORDERED that the motion for costs filed by Scott A. Ferris is hereby denied without prejudice to seek costs in the trial court.

ORDERED that the appellants David Brenner and J.J. Shear Jewelers, Inc.'s motion for attorney's fees and costs is hereby denied.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:

Howard Forman, Clerk
Scott A. Ferris

Stephane Dupont

Mark Perlman

b

MARILYN BEUTTENMULLER, Clerk
Fourth District Court of Appeal

