

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION

THE RICHMAN GROUP OF FLORIDA, INC.,
a Florida Corporation,

Plaintiff,

v.

PINELLAS COUNTY, FLORIDA, an independent
and chartered Florida County,

Defendant.

Case No.: 14-005608-CI-15
UCN: 522014CA005608XXCICI

DEFENDANT PINELLAS COUNTY'S MOTION
TO TAX TRIAL AND APPELLATE COSTS

COMES NOW the Defendant, **PINELLAS COUNTY**, by and through its undersigned attorneys, pursuant to Florida Rule of Civil Procedure 1.525 and Florida Rule of Appellate Procedure 9.400(a), hereby move to tax trial and appellate costs as shown by the costs bill attached hereto as Defendant's Exhibit "A," and as grounds therefore states:

1. On June 29, 2016, a Final Judgment was issued by the trial court in favor of the Plaintiff.
2. Defendant Pinellas County filed a Notice of Appeal of the Final Judgment to the Second District Court of Appeal on July 25, 2016.
3. After briefing and oral argument, the Second District issued an Opinion in favor of Defendant on November 29, 2017, reversing the final judgment for Plaintiff "in its entirety." *See Pinellas Cnty. v. The Richman Group of Florida, Inc.*, ___ So. 3d ___, No. 2D16-3279, 2017 WL 5759040, *8 (Fla. 2d DCA Nov. 29, 2017).
4. Plaintiff filed a Motion for Rehearing en Banc with the Second District on December 14, 2017.

5. The Second District denied Plaintiff's Motion for Rehearing en Banc on February 19, 2018.
6. Section 57.041(1), Florida Statutes, provides that "[t]he party recovering judgment shall recover all his or her legal costs and charges"
7. The Defendant, as the prevailing party entitled to judgment, is entitled to recover its trial costs under Rule 1.525 and its appellate costs under Rule 9.400(a). *See, e.g., Wolfe v. Culpepper Constructors, Inc.*, 104 So. 3d 1132, 1135-37 (Fla. 2d DCA 2012) (*en banc*); *Luizza v. Yaeger*, 571 So. 2d 600, 601 (Fla. 2d DCA 1990); *Dahly v. Dep't. of Children and Family Servs.*, 845 So. 2d 350, 351 (Fla. 2d DCA 2003).
8. Defendant Pinellas County's costs entitled to be taxed are shown on Exhibit "A."

WHEREFORE, Defendant Pinellas County respectfully requests that this Court award Defendant its trial and appellate costs, and order any other relief that is just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing document was filed with the Clerk of Circuit Court by using the Florida Courts E-Filing Portal and simultaneously served through the E-Portal to **SCOTT A. McLAREN, ESQUIRE** and **FRED C. MARSHALL, II**, Hill, Ward & Henderson, P.A. at scottmclaren@hwlaw.com and kip.marshall@hwlaw.com this 22nd day of February, 2018.

/s/ Nancy S. Meyer

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