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SUPREME COURT OF FLORIDA

Ela Gonzalez,

Petitioner

CASE NO: SC15-324

Lower Tribunal: 1D14-4315

v.

McDonald's, et. al.,

Respondents

_____/

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RESPONSE TO PETITIONER'S AMENDED REPLY TO RESPONDENT'S CONFESSION OF ERROR AND ADDRESSING THE ISSUE OF APPELLATE ATTORNEY'S FEES

COMES NOW Respondents, by and through undersigned counsel, with their Response to Petitioner's Amended Reply to Respondent's Confession of Error and Addressing the Issue of Appellate Attorney's Fees and state:

1. This matter was stayed in this Court on February 26, 2015, pending resolution of other cases. After the Order staying the case was entered, Petitioner filed a jurisdictional Brief which was unnecessary at that point. Moreover, Respondents filed a jurisdictional Answer Brief, which should not have been filed in light of the stay.

2. In essence, this Court stopped the parties from briefing the case since the identical issues were being addressed in other pending cases, including *Castellanos v. Next Door Co.*, 41 Fla. L. Weekly S197 (Fla. April 28, 2016). The resolution of that case controlled the outcome of this case, which is why the Respondents confessed error.

3. Since essentially no meaningful work was done in this case Court in this matter, Respondents respectfully suggest that this Court should not grant appellate fees for work done in the Supreme Court of Florida. Respondents do not object to this Court remanding the case and allowing

the First District Court of Appeal to reach its own conclusion regarding appellate fees in the lower tribunal. The case was fully briefed in the First District and, therefore, the actual work relating to this appeal occurred there.

WHEREFORE, Respondents respectfully suggest that this Court should deny appellate attorney's fees for work done in the Supreme Court of Florida, that the Court should remand the case to the First District Court of Appeal in light of the confession of error, allowing the First District to conform its opinion to this Court's decision in *Castellanos*, and further allowing it to address the question of whether appellate attorney's fees are due.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail on this 28th day of July 2016, to the appellate attorney for the claimant, Kimberly Hill, Esquire, 821 SE 7th Street, Ft. Lauderdale, FL 33301, kimberlyhillappellatelaw@gmail.com.

/S/

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