

**IN THE SUPREME COURT OF FLORIDA
TALLAHASSEE, FLORIDA**

TRIAL PRACTICES, INC.,

Petitioner,

CASE NO.: SC17-2058

vs.

Lower Tribunal No(s).:

2D13-6051; 2D14-86;

HAHN LOESER & PARKS, LLP, as
substitute party for Jack J. Antaramian,

292006CA005366A001HC

Respondent.

PETITIONER'S MOTION FOR APPELLATE ATTORNEY'S FEES

Petitioner, Trial Practices, Inc. ("TPI"), pursuant to Rule 9.400, Florida Rules of Appellate Procedure, moves this Court to award Petitioner its attorneys' fees incurred in this appeal.

On January 26, 2018 TPI served an Offer of Judgment and Proposal for Settlement on Hahn Loeser & Parks, LLP ("Hahn Loeser") pursuant to Florida Statutes Section 768.79 and Fla. R. Civ. P. 1.442. The offer was not accepted. Section 768.79(6)(a), Florida Statutes provides in relevant part:

If a defendant serves an offer which is not accepted by the plaintiff, and if the judgment obtained by the plaintiff is at least 25 percent less than the amount of the offer, the defendant shall be awarded reasonable costs, including investigative expenses, an attorney's fees. . .

Rule 1.442(g), Florida Rules of Civil Procedure, provides:

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(g) Sanctions. Any party seeking sanctions pursuant to applicable Florida law, based on the failure of the proposal's recipient to accept a proposal, shall do so by serving a motion in accordance with rule 1.525.

If TPI prevails in this appeal and the circuit court actions appealed from, then TPI will be entitled to recover its attorneys' fees, including its fees incurred in this appeal from the date of the offer. A copy of TPI's March 29, 2018 Notice of Filing showing service of its Offer of Judgment/Proposal for Settlement on January 26, 2018 is attached as Exhibit 1.

WHEREFORE, Petitioner respectfully requests that the Court grant this Motion and order that Trial Practices, Inc. is entitled to recover its reasonable appellate attorneys' fees in an amount to be determined at the conclusion of the appeal.

Dated: July 10, 2018

Respectfully Submitted,

By: /s/ G. Donovan Conwell, Jr.
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Intellectual Property Law
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Practices, Inc.*

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Trial Practices, Inc.*

[CERTIFICATE OF SERVICE ON NEXT PAGE]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 10 2018, a true and correct copy of the foregoing has been filed via the Florida Court's E-Filing Portal which will send an Electronic Mail notification of same to the following:

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and

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Counsel for Respondent, Hahn Loeser & Parks, LLP

/s/ G. Donovan Conwell, Jr.
Counsel for Petitioner

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION**

TRIAL PRACTICES, INC., a Florida
corporation,

Plaintiff,

v.

JACK J. ANTARAMIAN, an individual,

Defendants.

CASE NO.: 06-CA-005366

[Consolidated
with Case No. 13-CA-005139
and Case No. 15-CA-007307]

DIVISION: L
Complex Litigation Division

JACK J. ANTARAMIAN, an individual,

Plaintiff,

v.

TRIAL PRACTICES, INC., a Florida corporation,
TRIAL SIMULATIONS, INC., a Florida
corporation, TRIAL VISUALIZATION, INC., a
Florida corporation, HARVEY MOORE AND
ASSOCIATES, INC., a Florida corporation, an
HARVEY MOORE, an individual.

Defendants.

HAHN LOESER & PARKS LLP, an Ohio limited
liability partnership,

Plaintiff,

TRIAL PRACTICES, INC., a Florida
corporation, TRIAL SIMULATIONS, INC., a
Florida corporation, TRIAL VISUALIZATION,
INC., a Florida corporation, HARVEY MOORE
AND ASSOCIATES, INC., a Florida
corporation, HARVEY MOORE, an individual,
and LYNETTE M. MOORE, an individual,

Defendants.

DEFENDANTS' HARVEY MOORE, HARVEY MOORE AND ASSOCIATES, INC. AND TRIAL PRACTICES, INC.'S NOTICE OF SERVING PROPOSAL FOR SETTLEMENT

The undersigned counsel for Defendants' Harvey Moore, Harvey Moore & Associates, Inc. and Trial Practices, Inc. (collectively "Defendants"), hereby notify the Court that on January 26, 2018, Defendants served counsel for Hahn Loeser & Parks, LLP, via electronic mail, with a Proposal for Settlement pursuant to Florida Rule of Civil Procedure 1.442 and Fla. Stat. §768.79. A copy of the electronic email serving the proposal is attached as Exhibit A.

Dated: March 29, 2018

By: /s/ G. Donovan Conwell, Jr.
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*Counsel for Trial Practices, Inc. and Harvey Moore
and Associates, Inc.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of March 2018, a true and correct copy of the above and foregoing has been filed via the Florida Court's E-Filing Portal which will send an Electronic Mail notification of same to the following:

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Counsel for Defendant, Jack J. Antaramian

/s/ G. Donovan Conwell, Jr.
Attorney

Judith Nelson

From: Judith Nelson
Sent: Friday, January 26, 2018 2:42 PM
To: Edmond E. Koester; 'ekcheffy@napleslaw.com'
Cc: Don Conwell; Arie Schinnar; 'Dusty Siegler'; ffharper@napleslaw.com; 'ahreiss@napleslaw.com'
Subject: SERVICE OF COURT DOCUMENTS - CASE NO. 15-CA-007307; Consolidated with Case No. 06-CA-005366 and Case No. 13-CA-005139
Attachments: 2018-1-26 Defs' Harvey Moore, Harvey Moore & Assoc. and Trial Practices, Inc. Offer of Judgment.pdf

Good Afternoon Counsel:

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA CIVIL DIVISION**

Case No.:	15-CA-007307 Consolidated with: L.T. Case No. 06-CA-005366 L.T. Case No. 13-CA-005139
Parties:	Trial Practices, Inc. v. Hahn Loeser & Parks, LLP
Document(s) Served:	Defendants' Harvey Moore, Harvey Moore & Associates, Inc. and Trial Practices Inc.'s Offer of Judgment and Proposal for Settlement pursuant to Florida Statutes Section 768.79 and FLA. R. CIV.P. 1.442
	G. Donovan Conwell, Jr. Florida Bar No.: 0371319 Florida Bar Board Certified in Civil Trial Law, Business Litigation and Intellectual Property CONWELL BUSINESS LAW, LLLP 12610 Race Track Road, Suite 200 Tampa, FL 33626 Tel. (813) 282-8000 dconwell@ConwellBusinessLaw.com eservice@ConwellBusinessLaw.com <i>Counsel for Plaintiffs/Counter-Defendants</i>

Thank you,

Judith E. Nelson

Legal Assistant to

G. Donovan Conwell, Jr., B.C.S.

Conwell Business Law, LLLP

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Tampa, FL 33626

EXHIBIT A

EXHIBIT 1

Phone: (813) 282-8000

Fax: (813)-855-2631

Disclaimer under IRS Circular 230: Unless expressly stated otherwise in this transmission, nothing contained in this message is intended or written to be used, nor may it be relied upon or used, (1) by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended and/or (2) by any person to support the promotion or marketing of or to recommend any Federal tax transaction(s) or matter(s) addressed in this message. If you desire a formal opinion on a particular tax matter for the purpose of avoiding the imposition of any penalties, we will discuss the additional Treasury requirements that must be met and whether it is possible to meet those requirements under the circumstances, as well as the anticipated time and additional fees involved.

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