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Supreme Court of Florida

WEDNESDAY, JANUARY 25, 2023

CASE NO.: SC23-115

Lower Tribunal No(s):

5D22-1122; 592020CC0014670000XX

YOUSRY AMIN RIZK

vs. EDWARD SANDLER, ET AL.

Petitioner(s)

Respondent(s)

This case is hereby dismissed. This Court lacks jurisdiction to review an unelaborated decision from a district court of appeal that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court. *See Wheeler v. State*, 296 So. 3d 895 (Fla. 2020); *Wells v. State*, 132 So. 3d 1110 (Fla. 2014); *Jackson v. State*, 926 So. 2d 1262 (Fla. 2006); *Gandy v. State*, 846 So. 2d 1141 (Fla. 2003); *Stallworth v. Moore*, 827 So. 2d 974 (Fla. 2002); *Harrison v. Hyster Co.*, 515 So. 2d 1279 (Fla. 1987); *Dodi Publ'g Co. v. Editorial Am. S.A.*, 385 So. 2d 1369 (Fla. 1980); *Jenkins v. State*, 385 So. 2d 1356 (Fla. 1980).

No motion for rehearing or reinstatement will be entertained by the Court.

A True Copy

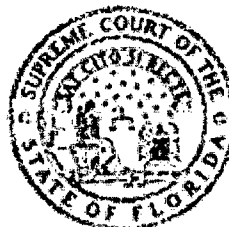
Test:



John A. Tomasino

Clerk, Supreme Court

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M A N D A T E

from

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA

FIFTH DISTRICT

THIS CAUSE HAVING BEEN BROUGHT TO THIS COURT BY APPEAL OR BY PETITION, AND AFTER DUE CONSIDERATION THE COURT HAVING ISSUED ITS OPINION OR DECISION;

YOU ARE HEREBY COMMANDED THAT FURTHER PROCEEDINGS AS MAY BE REQUIRED BE HAD IN SAID CAUSE IN ACCORDANCE WITH THE RULING OF THIS COURT AND WITH THE RULES OF PROCEDURE AND LAWS OF THE STATE OF FLORIDA.

WITNESS THE HONORABLE BRIAN D. LAMBERT, CHIEF JUDGE OF THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, FIFTH DISTRICT, AND THE SEAL OF THE SAID COURT AT DAYTONA BEACH, FLORIDA ON THIS DAY.

DATE: January 30, 2023

FIFTH DCA CASE NO.: 5D 22-1122

CASE STYLE: YOUSRY RIZK v. EDWARD SANDLER AND SILVIA LONDONO

COUNTY OF ORIGIN: Seminole

TRIAL COURT CASE NO.: 2020-CC-001467

I hereby certify that the foregoing is
(a true copy of) the original Court mandate.

Sandra B. Williams



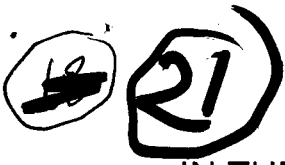
SANDRA B. WILLIAMS, CLERK

Mandate and Opinion to: Clerk Seminole
cc: (without attached opinion)

Brian J. Moran
Yousry Rizk

Christopher R.
Parkinson

Correy Karbiener



IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

YOUSRY RIZK,

Appellant,

v.

Case No. 5D22-1122

LT Case No. 2020-CC-001467

EDWARD SANDLER AND SILVIA LONDONO,

Appellees.

Decision filed December 13, 2022

Appeal from the County Court
for Seminole County,
Debra Krause, Judge.

Yousry Rizk, Maitland, pro se.

Brian J. Moran, Christopher R.
Parkinson and Correy B. Karbiener,
of Moran Kidd Lyons Johnson
Garcia, P.A, Orlando, for Appellees.

PER CURIAM.

AFFIRMED.

LAMBERT, C.J., WALLIS and EISNAUGLE, JJ., concur.

Filing # 149055319 E-Filed 05/05/2022 04:18:04 PM

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IN THE COUNTY COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT IN
AND FOR SEMINOLE COUNTY, FLORIDA

YOUSRY RIZK,

CASE NO.: 2020-CC-001467

Plaintiff,

VS.

EDWARD SANDLER and
SILVIA LONDONO,

Defendants.

**FINAL JUDGMENT AGAINST PLAINTIFF FOR ATTORNEYS' FEES
AND COSTS**

THIS CAUSE came before the Court to be heard on April 26, 2022 to determine Defendants', Edward Sandler ("Sandler") and Silvia Londono ("Londono," and together with Sandler, "Defendants"), reasonable attorneys' fees and costs pursuant to the Court's Order Granting Defendants' Motion for Entitlement of Attorneys' Fees and Costs entered on October 8, 2021 ("Attorneys' Fees Order"). Appearing before the Court was Plaintiff, Yousry Rizk, and Correy B. Karbiener, Esq., counsel for Defendants. The Court having reviewed the Attorneys' Fees Order granting Defendants entitlement to prevailing party attorneys' fees and costs on claims asserted against Defendants, the Court file, Defendants' Affidavit of Attorneys' Fees, having heard argument of both parties, having considered testimony on behalf of Defendants including expert testimony

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on the attorneys' fee issue, and being otherwise fully advised in the premises, finds that the Defendants, jointly and severally, are entitled to judgment in their favor and against Plaintiff to recover their attorneys' fees and taxable costs. Based on the evidence presented the Court finds and concludes as follows:

1. The Court entered the Attorneys' Fees Order on October 8, 2021. The Court found that Defendants are the prevailing party and are entitled to attorneys' fees and taxable costs as to all claims in the Complaint as the Complaint was dismissed with prejudice. In the Attorneys' Fees Order, the Court reserved jurisdiction to determine the amount of reasonable attorneys' fees and taxable costs to which Defendants are entitled to as a prevailing party.

2. On April 26, 2022, the Court held an evidentiary hearing to determine and assess reasonable attorneys' fees and costs for Defendants. Plaintiff was provided notice of, and an opportunity to be heard at, the hearing. At the hearing, the Court heard arguments from Plaintiff and counsel for Defendants and heard testimony from Defendants' expert on the issue of reasonableness of the attorneys' fees sought in this action. Defendants' expert is a 37 year member of the Florida Bar and has practiced his entire career in Central Florida. Defendants' expert was accepted by the Court as an expert witness on the issue of reasonable attorneys' fees in this action. Plaintiff did not present any rebuttal witnesses or any opposing fee expert. Based upon the evidence presented at the hearing, the Court finds that

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on the attorneys' fee issue, and being otherwise fully advised in the premises, finds that the Defendants, jointly and severally, are entitled to judgment in their favor and against Plaintiff to recover their attorneys' fees and taxable costs. Based on the evidence presented the Court finds and concludes as follows:

1. The Court entered the Attorneys' Fees Order on October 8, 2021. The Court found that Defendants are the prevailing party and are entitled to attorneys' fees and taxable costs as to all claims in the Complaint as the Complaint was dismissed with prejudice. In the Attorneys' Fees Order, the Court reserved jurisdiction to determine the amount of reasonable attorneys' fees and taxable costs to which Defendants are entitled to as a prevailing party.

2. On April 26, 2022, the Court held an evidentiary hearing to determine and assess reasonable attorneys' fees and costs for Defendants. Plaintiff was provided notice of, and an opportunity to be heard at, the hearing. At the hearing, the Court heard arguments from Plaintiff and counsel for Defendants and heard testimony from Defendants' expert on the issue of reasonableness of the attorneys' fees sought in this action. Defendants' expert is a 37 year member of the Florida Bar and has practiced his entire career in Central Florida. Defendants' expert was accepted by the Court as an expert witness on the issue of reasonable attorneys' fees in this action. Plaintiff did not present any rebuttal witnesses or any opposing fee expert. Based upon the evidence presented at the hearing, the Court finds that

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4. The Court finds the following is reasonable:

<u>Time Keeper</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Brian P. Moran (Paralegal)	.5 hours	\$95 per hour	\$47.50
Correy B. Karbiener (Associate)	95.1 hours	\$185 per hour	\$17,593.50
Kiara Laguerre (Paralegal)	4.1	\$95 per hour	\$389.50
Christopher R. Parkinson (Associate) and (Partner)	10.2	\$185 per hour for all time prior to January 1, 2021 Thereafter at a rate of \$225 per hour	\$1,911.00

5. Therefore, the Court finds that a reasonable attorneys' fees for the services rendered is \$19,941.50.

6. The total fee for Defendants' expert services to prepare for and attend the evidentiary fee hearing is \$1,100.00. The Court finds his fee is a taxable cost under the Statewide Uniform Guidelines for Taxation of Costs in Civil Actions. Additionally, the Court finds Defendants' expert to be credible, his testimony to be helpful and necessary, and his fees to be reasonable in amount. Accordingly, his expert witness fees of \$1,100.00 shall be taxed against Plaintiff.

Therefore, it is **ORDERED AND ADJUDGED**, pursuant to the Court's findings and applicable law, as follows:

this case involved over ninety (90) docket entries, and there were multiple motions and hearings held in this action. The Court finds that Defendants' expert provided substantial and competent testimony that Defendants' attorneys' fees, rate and the number of hours of services rendered in this action are reasonable, particularly based upon the time and labor required, the complex nature of the action, the difficulty of the issues involved, the locale of this action, along with the experience, reputation, and ability of the attorneys' for Defendants, the fee customarily charged in the locality for similar legal services, and the results obtained. The Court also reviewed the Defendants' Affidavit of Attorneys' Fees, the docket in this matter, and the multiple motions to dismiss filed by Defendants. The Court finds that the evidence revealed that all bills submitted were paid which is an indication that the fees were reasonable. The Court also considered the issues regarding the skill needed for this type of case, the novelty of the issues, the complexity of the issues, the skill of the attorneys involved in this action and the results obtained for Defendants.

3. Considering the evidence presented at the hearing, the Court finds that the hourly rates indicated in the Affidavit of Attorneys' Fees are reasonable, particularly considering the nature and complexity of the case, the skill level of the attorneys and local attorney's fees. The Court finds that the number of hours rendered to perform the services is reasonable.

this case involved over ninety (90) docket entries, and there were multiple motions and hearings held in this action. The Court finds that Defendants' expert provided substantial and competent testimony that Defendants' attorneys' fees, rate and the number of hours of services rendered in this action are reasonable, particularly based upon the time and labor required, the complex nature of the action, the difficulty of the issues involved, the locale of this action, along with the experience, reputation, and ability of the attorneys' for Defendants, the fee customarily charged in the locality for similar legal services, and the results obtained. The Court also reviewed the Defendants' Affidavit of Attorneys' Fees, the docket in this matter, and the multiple motions to dismiss filed by Defendants. The Court finds that the evidence revealed that all bills submitted were paid which is an indication that the fees were reasonable. The Court also considered the issues regarding the skill needed for this type of case, the novelty of the issues, the complexity of the issues, the skill of the attorneys involved in this action and the results obtained for Defendants.

3. Considering the evidence presented at the hearing, the Court finds that the hourly rates indicated in the Affidavit of Attorneys' Fees are reasonable, particularly considering the nature and complexity of the case, the skill level of the attorneys and local attorney's fees. The Court finds that the number of hours rendered to perform the services is reasonable.

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Debra L Krause

Debra Krause, County Judge
59-2020-CC-001467 05/05/2022 04:17:32 PM

YOUSRY RIZK

YOUSRYAMIN@HOTMAIL.COM

CORREY B KARBIENER

ckarbiener@morankidd.com

eservice@morankidd.com

Christopher R. Parkinson

cparkinson@morankidd.com

eservice@morankidd.com

UNOFFICIAL

A. Final Judgment is hereby entered in favor of Defendants, Edward Sandler and Silvia Londono, jointly and severally, and against Plaintiff, Yousry Rizk (492 Banyon Tree Circle, #100, Maitland, FL 32751) as follows: Defendants shall recover the total sum of \$21,041.50 (consisting of \$19,941.50 in attorneys' fees and \$1,100 in taxable costs), which sums shall bear interest at the rate of 4.25 percent (4.25%) beginning January 1, 2022 and thereafter at the rate provided by Florida Statute § 55.03 for which let execution issue.

B. The Court expressly reserved jurisdiction over this matter for the purpose of the enforcement of this judgment, including awards of costs and any other sums incurred by Defendants in collecting the judgment.

C. Plaintiff, Yousry Rizk, shall complete, under oath, Form 1.977 (Fact Information Sheet), Fla. R. Civ. P., including all required attachments, and each serve it on the judgment creditors' attorney within forty-five (45) days from the date of entry of this final judgment, unless such judgment is satisfied or post-judgment discovery is stayed.

DONE AND ORDERED in Chambers at Seminole County, Florida this Thursday, May 5, 2022.

**Additional material
from this filing is
available in the
Clerk's Office.**