

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT  
IN AND FOR VOLUSIA COUNTY, FLORIDA

GEICO INDEMNITY COMPANY,

CASE NO.: 2018-10031-APCC

Appellant,

v.

ACCIDENT & INJURY CLINIC, INC.  
a/a/o Frank Irizarry,

Appellee.

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FILED  
2020 MAY -4 AM 8:05  
CLERK OF THE CIRCUIT  
& CTY. COURT VOLUSIA CTY., FL  
CC 48

**ORDER ON MOTIONS TO ENTER OPINION ON REMAND**

This matter came before this Court in its appellate capacity for review of “Appellant’s Motion for Entry of Opinion Consistent With Decision From Fifth District Court of Appeal and to Vacate Conditional Award of Appellate Attorney’s Fees” and of “Appellee’s Motion to Enter an Opinion in Accordance With the Instructions of the Fifth District Court of Appeal.” The Court, having considered the motions along with each party’s response brief filed, hereby finds as follows:

On March 14, 2019, this Court entered an Opinion affirming the trial court’s “Order Granting Plaintiff’s Motion for Summary Disposition and Final Judgment in Favor of Plaintiff” entered on June 7, 2018. On December 20, 2019, the Fifth District Court of Appeal reached a different conclusion and entered its Opinion granting GEICO’s certiorari petition, quashing this Court’s decision affirming the trial court, and remanding “for proceedings consistent with this opinion.”

Therefore, pursuant to the appellate court’s Mandate, it is hereby

**ORDERED AND ADJUDGED:**

That the trial court's June 7, 2018, Final Judgment is REVERSED, and this matter is REMANDED with instructions that the trial court vacate its "Order Granting Plaintiff's Motion for Summary Disposition and Final Judgment in Favor of Plaintiff" and enter a judgment consistent with the decision of the Fifth District Court of Appeal.

**IT IS FURTHER ORDERED AND ADJUDGED:**

That this Court's "Revised Order on Appellee's Motion for Attorney's Fees" entered December 5, 2019, is vacated, and the Appellee's three pending attorney's fees motions are denied.

**DONE AND ORDERED** in DeLand, Volusia County, Florida this 22<sup>nd</sup> day of April, 2020.

  
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RANDELL H. ROWE, III  
CIRCUIT JUDGE

Copy to:

Michael A. Rosenberg, Esq.  
Douglas H. Stein, Esq.