

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

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Petitioner,

Appeal Case No. 18-CA-4341

vs.

Division E

SHAZAM AUTO GLASS, LLC, as
assignee of Christine Jennings,

L.T. Case No. 17-CC-021125

Respondent.

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AGREED ORDER ON PENDING MOTIONS FOR
REHEARING AND/OR CLARIFICATION

THIS CAUSE came before the Court on: (1) “Shazam’s Motion for Rehearing and/or Clarification Concerning ‘Order on Petitioner’s Motions for Fees and Costs’” filed on February 17, 2020; (2) “Shazam’s Motion for Rehearing and/or Clarification Concerning Court’s ‘Order On Remand’ dated April 3, 2020, ‘Order on Petitioner’s Motions to Tax Appellate Costs’ dated April 6, 2020, and ‘Amended Order on Respondent’s Motion to Tax Appellate Costs’” dated April 6, 2020” filed on April 14, 2020; and (3) “Petitioner’s Motion for Clarification” filed on April 14, 2020. The Court, having considered the parties’ motions and responses, and being advised that the parties agree to this Order,

ORDERED AND ADJUDGED as follows:

1. The parties’ pending motions for rehearing and/or clarification are granted to the extent set forth below, and are otherwise denied.

2. This Court’s “Order Granting Petition for Writ of Certiorari” dated January 17, 2019 and this Court’s “Order on Remand” dated April 3, 2020, are hereby amended to conform to the Florida Second District Court of Appeal’s appellate decision in *Shazam Auto Glass, LLC, a.a.o. Christine Jennings v. State Farm Mut. Automobile Ins. Co.*, — So.3d —, 2020 WL 215962, 45 Fla. L. Weekly D131 (Fla. 2d DC A Jan. 15, 2020).

3. In accordance with the Second District’s decision, Shazam’s “Motion for Conditional Award of Appellate Attorneys’ Fees” dated July 10, 2018 is conditionally granted with respect to the appellate attorneys’ fees incurred by Shazam in defending the trial court’s March 9, 2018 order on certiorari review, contingent upon Shazam ultimately prevailing in the case, and in an amount to be determined by the trial court.

4. This Court’s “Order on Petitioner’s Motions for Fees and Costs” dated February 14, 2020 is vacated, but the ruling on Petitioner’s motion for appellate attorneys’ fees set forth in

this Court's "Order Granting Petition for Writ of Certiorari" dated January 17, 2019 remains in effect.

5. This Court's "Order on Petitioner's Motion to Tax Appellate Costs" dated April 6, 2020 is vacated.

ORDERED on the date imprinted with the Judge's signature.

Electronically Conformed 7/1/2020

~~Gregory P. Holder~~
Gregory P. Holder, Circuit Judge

Electronic copies provided through JAWS