

2020 WL 6750099

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District Court of Appeal of Florida, Third District.

JAMES S. LAVOLD, INC., etc., Appellant,
v.
ORACLE ELEVATOR COMPANY, etc.,
Appellee.

No. 3D20-0264

Opinion filed November 18, 2020.

An Appeal from the Circuit Court for Miami-Dade County, [Veronica A. Diaz](#), Judge, Lower Tribunal No. 14-29304.

Attorneys and Law Firms

Law Offices of Orrin R. Beilly, LLC, and [Orrin R. Beilly](#) (Palm Beach Gardens), for appellant.

[Sheldon R. Rosenthal](#), for appellee.

Before [FERNANDEZ](#), [LOGUE](#), and [LINDSEY](#), JJ.

Opinion

PER CURIAM.

*1 Because the order on appeal awarding attorney’s fees pursuant to [section 57.105, Florida Statutes \(2020\)](#), fails to set forth the requisite findings that the claim was frivolous and completely untenable, we reverse and remand for proceedings consistent herewith. See [MC Liberty Express, Inc. v. All Points Servs., Inc.](#), 252 So. 3d 397, 403 (Fla. 3d DCA 2018) and cases cited therein (“The law is clear, in order to grant such fees, the trial court *must* find that the action was frivolous or so devoid of merit both on the facts and the law as to be completely untenable.” (citations and internal quotation marks omitted)).

Reversed and remanded.

All Citations

--- So.3d ----, 2020 WL 6750099 (Mem), 45 Fla. L. Weekly D2574