

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

KAREN AJOY,

Appellant,

vs.

APPELLATE DIVISION (CIVIL)

CASE NO.: 502006AP000087XXXXMB

502007CA00091XXXXMB

(consolidated for all purposes)

L.T.: 502005SC0011668XXXXMBRL

Division: 'AY'

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Appellee.

Opinion filed: SEP 12 2007

✓ **Appeal from the County Court in and for Palm Beach County, Florida**
Judge Janice Brustares Keyser.

✓ For Appellant: Jane Kreusler-Walsh, Esq. and Rebecca Mercier Vargas, Esq., 501 South
Flagler Drive, Suite 503, West Palm Beach, FL 33401.
Gary Russo, Esq., 701 Northpoint Parkway, Suite 415, West Palm Beach,
FL 33407.

✓ For Appellee: Hinda Klein, Esq. 3440 Hollywood Blvd., Second Floor, Hollywood, FL
33021.
Joseph Murasko, Esq., 884 U.S. Highway One, North Palm Beach, FL
33408.

PER CURIAM

AFFIRMED. Appellant's Motion for Attorneys Fees is DENIED. Appellee's Motion for Attorney's Fees Pursuant to Proposal for Settlement is DENED. The Court finds Appellee's proposal for settlement to be ambiguous. Fla. R. Civ. P. 1.442. Appellee's offer was to settle claims arising out of "the alleged treatment and billing alleged in Plaintiff's complaint" (See, Defendant's Offer of Judgment/Proposal for Settlement, dated January 19, 2006). This case, however, concerns the insured's access to certain information and not a billing dispute. An

invalid offer may not support an award of fees. *State Farm Mutual Auto. Ins. Co., v. Nichols*, 932 So. 2d 1067, 1078-79 (Fla. 2006); *Dryden v. Pedernonti*, 910 So. 2d 854, 857 (Fla. 5th DCA 2005).

ROSENBERG, GERBER and WINIKOFF, JJ.. concur.