

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

BOCA EAST ANIMAL HOSPITAL, INC.,

Appellant,

v.

CAMP CANINE, INC.,

Appellee.

APPELLATE DIVISION (CIVIL)  
CASE NO: 502010AP000012XXXXMB  
L.T.: 502008SC014539XXXXMB  
DIVISION: 'AY'

Opinion filed:

AUG 20 2010

**Appeal from the County Court in and for Palm Beach County,  
Judge Frank Castor**

For Appellant: Steven M. Singer, Esq., 290 N.W. 165th Street #M-500, Miami, FL 33169-6457.

For Appellee: John H. Pelzer, Esq., 200 East Broward Blvd., 15th Floor, P.O. Box 1900, Fort  
Lauderdale, FL 33302.

PER CURIAM.

REVERSED and REMANDED.

Boca East Animal Hospital, Inc. ("Boca East") filed an unjust enrichment claim against Camp Canine, Inc., ("Camp Canine") in county court. Boca East claimed that it was unknowingly paying a portion of Camp Canine's electrical bills since March 15, 2004. The trial court denied Boca East's Motion for Summary Judgment, finding that knowledge by Camp Canine that Boca East conferred a benefit was required. The trial court, after finding that it was undisputed that Camp Canine did not have any knowledge that Boca East was paying a portion of its electrical bills, granted Camp Canine's Cross-Motion for Summary Judgment. We agree that the trial court properly found that Boca East was required to prove knowledge on the part of Camp Canine that Boca East conferred a benefit. *See Della Ratta v. Della Ratta*, 927 So. 2d 1055, 1059 (Fla. 4th DCA 2006) (noting that a claim for unjust enrichment requires, among other things, that "the

defendant has knowledge of the benefit.”). The trial court erred, however, in finding that it was undisputed that Camp Canine did not have knowledge that Boca East was paying a portion of its electrical bills. We find that the deposition transcript and affidavits attached to the summary judgment motions raised a genuine issue of material fact as to the issue of knowledge. *See* Fla. R. Civ. P. 1.510(c). Accordingly, we reverse the trial court’s award of summary judgment for Camp Canine. We remand to the trial court with instructions to have the trier of fact resolve the question of whether Camp Canine possessed actual knowledge that Boca East conferred a benefit.

Accordingly, the final judgment is hereby REVERSED and the matter is REMANDED for further proceedings consistent with this opinion. Appellant’s Motion for Appellate Attorney’s Fees pursuant to section 768.79, Florida Statutes, and Florida Rule of Civil Procedure 1.442, is GRANTED if it ultimately satisfies the terms of the statute and rule. Appellee’s Motion for Appellate Attorneys’ Fees and Costs pursuant to section 768.79, Florida Statutes, and Florida Rule of Civil Procedure 1.442, is GRANTED if it ultimately satisfies the terms of the statute and rule.

BARKDULL, COX and MCCARTHY, JJ., concur.