

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

OSCEOLA FARMS COMPANY,

Petitioner,

APPELLATE DIVISION (CIVIL)
CASE NO. 502008CA007784XXXXMB
L.T. Case No. 502006CC016044XXXXNB
Division: AY

Appealed from County Court,
in and for Palm Beach County Court

v.

MOSES ACHORD, ET. AL,

Respondents.

Opinion filed:

NOV 17 2003

Appeal from County Court in and For Palm Beach County,
Judge Nancy Perez

For Petitioner: Joseph P. Klock, Jr., Esq.
Janet T Munn, Esq.
Juan Carlos Antorcha, Esq.
EPSTEIN, BECKER & GREEN, P.C.
And
William B. Killian, Esq.
Robert C. L. Vaughan, Esq.
SQUIRE, SANDERS & DEMPSEY, L.L.P.

For Respondent: Gregory S. Schell, Esq.
James K. Green, Esq.
David L. Gorman, P.A.

PER CURIAM.

PETITION DENIED. Petitioner has not shown that the county court's order denying its motion for summary judgment resulted in an irreparable material injury that cannot be corrected on post-judgment appeal. Respondent's Motion to Tax Appellate Attorneys' Fees is GRANTED. Respondents' award of appellate attorney's fees is conditioned upon their ultimately prevailing on

the merits of the proceedings in the trial court. The trial court is hereby instructed to determine the amount of those fees, but the court should not enter a judgment until Respondents prevail on the action.

LEWIS, KELLEY, and FRENCH, JJ., concur.