

SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

Charles Ruffenach v. Deutsche Bank National Trust Company, as
Trustee for Ameriquest Mortgage Securities Inc., Asset-Backed Pass-
Through Certificates Series 2005-R8, Raymond Lozano, Alili
Rihkrand, Islebrook at Meadow Woods Homeowners’ Association,
Inc., Orange County, and CIT Financial, Inc.

Ruffenach · No. 6D2023-1482 · Decided March 20, 2026

SUMMARY

The Florida Sixth District Court of Appeal reverses the trial court’s award of attorneys’ fees to Deutsche Bank in a foreclosure-related case while affirming the remainder of the final judgment without discussion. The court holds that a trial court need not always conduct an evidentiary hearing or receive expert testimony regarding the reasonableness of attorneys’ fees awarded under a statute, rule, or contract. Because the holding conflicts with decisions from Florida’s other district courts of appeal, the court certifies direct conflict to the Florida Supreme Court.

CASE DETAILS

COURT	Sixth District Court of Appeal of Florida
WRITING FOR THE COURT	Mize, J.; Gannam, J.; Pratt, J.
JURISDICTION	Florida Sixth District Court of Appeal
DECIDED	March 20, 2026
DOCKET	6D2023-1482
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a final judgment of the Circuit Court for Orange County, including an award of attorneys’ fees in favor of Deutsche Bank.
STANDARD OF REVIEW	The opinion does not expressly state a single standard of review for the attorneys’ fee ruling; the court reviewed the legal requirements for a fee award and the sufficiency of the supporting evidence.
PRECEDENTIAL VALUE	Published opinion; certified to be in direct conflict with decisions of other Florida district courts of appeal.
PARTIES	Charles Ruffenach v. Deutsche Bank National Trust Company, as Trustee for Ameriquest Mortgage Securities Inc., Asset-Backed Pass-

Through Certificates Series 2005-R8, Raymond Lozano, Alili Rihkrand, Islebrook at Meadow Woods Homeowners' Association, Inc., Orange County, CIT Financial, Inc.

TOPICS

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PRACTICE AREAS

civil procedure appellate procedure attorney fees real estate

QUESTIONS PRESENTED

1. Whether a trial court must always conduct an evidentiary hearing before awarding attorneys' fees under a statute, rule, or contract.
2. Whether a trial court must always receive expert testimony concerning the reasonableness of attorneys' fees before making such an award.
3. Whether the fee award was supported by legally sufficient evidence when the prevailing party did not submit records detailing the work performed by its attorneys.
4. Whether the appellee was entitled to a second trial-court proceeding to prove attorneys' fees or unspecified non-attorneys' fees included in the judgment's "Recoverable Balance."

HOLDINGS

1. A trial court need not always receive expert testimony before awarding attorneys' fees pursuant to a statute, rule, or contractual provision authorizing such an award.
2. When there is no material factual dispute concerning a fee request other than the reasonableness of the attorneys' hourly rates and the reasonableness of the hours expended, a trial court is not required to conduct an evidentiary hearing.
3. The trial court erred by awarding attorneys' fees where Deutsche Bank did not submit records detailing the work performed by its attorneys.
4. The case should not be remanded for Deutsche Bank to retry its entitlement to attorneys' fees or unspecified non-attorneys' fees included in the "Recoverable Balance."

KEY QUOTATIONS

"We hold that a trial court need not always conduct an evidentiary hearing or receive expert testimony concerning the reasonableness of attorneys' fees before granting an award of attorneys' fees pursuant to a statute, rule, or contractual provision providing for such an award." (at 2)

"Accordingly, we hold that where there is no material factual dispute between the parties concerning a request for attorneys' fees other than whether the hourly rates of the attorneys for whom fees are sought are reasonable and whether the number of hours expended by those attorneys on particular litigation tasks were

reasonable, trial courts are not required to conduct an evidentiary hearing on a request for attorneys' fees."
(at 20)

"Appellee is not entitled to a second trial court proceeding merely because it failed to meet its burden of proof at the first proceeding." (at 25)

FACTUAL BACKGROUND

The trial court entered a final judgment in favor of Deutsche Bank in litigation involving the parties and awarded Deutsche Bank attorneys' fees as part of the judgment. Deutsche Bank did not submit records detailing the work performed by its attorneys in support of the fee request. The trial court nevertheless entered the fee award without an evidentiary hearing and without expert testimony concerning the reasonableness of the fees.

PROCEDURAL HISTORY

The circuit court entered a final judgment in favor of Deutsche Bank and included an attorneys' fee award identified as the "Recoverable Balance." Ruffenach appealed, arguing that the trial court erred by awarding fees without an evidentiary hearing, without expert testimony, and without detailed billing records. The Sixth District affirmed the remainder of the final judgment, reversed the attorneys' fee award, and remanded with instructions to enter an amended final judgment removing the award.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must enter an amended final judgment removing the attorneys' fee award referred to as the "Recoverable Balance." The court declined to remand for a new proceeding to determine attorneys' fees or unspecified non-attorneys' fees.

CASES CITED

- CED Cap. Holdings 2000 EB, LLC v. CTCW-Berkshire Club, LLC, 363 So. 3d 192 (Fla. 6th DCA 2023)
- Florida Patient's Compensation Fund v. Rowe, 472 So. 2d 1145 (Fla. 1985)
- Lyle v. Lyle, 167 So. 2d 256 (Fla. 2d DCA 1964)
- Crittenden Orange Blossom Fruit v. Stone, 514 So. 2d 351 (Fla. 1987)
- Sierra v. Sierra, 505 So. 2d 432 (Fla. 1987)
- Barach v. Giblin, 164 So. 831 (Fla. 1935)
- Robin Roshkind, P.A. v. Machiela, 45 So. 3d 480 (Fla. 4th DCA 2010)
- Island Hoppers, Ltd. v. Keith, 820 So. 2d 967 (Fla. 4th DCA 2002)
- Sea World of Fla., Inc. v. Ace Am. Ins. Cos., 28 So. 3d 158 (Fla. 5th DCA 2010)
- Norman v. Housing Authority of City of Montgomery, 836 F.2d 1292 (11th Cir. 1988)
- Ranco Industries Products Corp. v. Dunlap, 776 F.2d 1135 (3d Cir. 1985)

- State v. Hankerson, 65 So. 3d 502 (Fla. 2011), as revised on denial of rehearing (June 30, 2011)
- Dade County School Board v. Radio Station WQBA, 731 So. 2d 638 (Fla. 1999)
- Bryant v. State, 901 So. 2d 810 (Fla. 2005)
- Pardo v. State, 596 So. 2d 665 (Fla. 1992)

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