

SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

The Academy of Ability, Inc. and William Harris v. Kareana V. McCloud, as Guardian of the Person and Property of T.B., an Incapacitated Person

Academy of Ability · No. 6D2024-1498 · Decided August 1, 2025

SUMMARY

The Sixth District Court of Appeal of Florida affirmed the trial court’s ruling on a motion to tax costs following the voluntary dismissal of claims concerning an incapacitated person. The court held that the appellants failed to challenge all grounds supporting the denial of certain expert- and treating-witness costs and clarified that the guardian was not held personally liable for the assessed costs.

CASE DETAILS

COURT	Sixth District Court of Appeal of Florida
WRITING FOR THE COURT	Nardella, J.; Traver, C.J.; White, J.
JURISDICTION	Florida Sixth District Court of Appeal
DECIDED	August 1, 2025
DOCKET	6D2024-1498
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal and cross-appeal from an order ruling on a motion to tax costs following the plaintiff guardian's voluntary dismissal of the case.
PRECEDENTIAL VALUE	Published opinion
PARTIES	The Academy of Ability, Inc., William Harris v. Kareana V. McCloud, as Guardian of the Person and Property of T.B., an incapacitated person

TOPICS

- costs appellate procedure guardianships probate procedure civil procedure

PRACTICE AREAS

- appellate procedure guardianships probate civil procedure

QUESTIONS PRESENTED

1. Whether the defendants preserved their challenge to the trial court's rejection of treating-witness and expert-witness costs when they failed to address every reason supporting that ruling in their initial brief.
2. Whether the trial court's order on costs imposed personal liability on McCloud, as guardian of T.B.

HOLDINGS

1. The defendants abandoned the challenge by failing to address each reason supporting the trial court's ruling in their initial brief; therefore, the unchallenged reason independently supported the ruling.
2. The costs order did not impose personal liability on McCloud; it expressly recognized that the guardian was not personally liable for the costs.

KEY QUOTATIONS

“An appellant who presents no argument as to why a trial court’s ruling is incorrect on an issue has abandoned the issue—essentially conceded that denial was correct.” (at 1)

“For these reasons, we affirm the trial court’s ultimate ruling on Defendants’ motion to tax costs against Plaintiff.” (at 2)

FACTUAL BACKGROUND

The underlying claims related solely to T.B., an incapacitated person. After McCloud, acting as T.B.'s guardian, voluntarily dismissed the case, the defendants moved to tax costs. The trial court rejected costs associated with treating and expert witnesses and expressly stated that McCloud was not personally liable for the costs.

PROCEDURAL HISTORY

Kareana V. McCloud, as guardian of T.B., voluntarily dismissed the underlying case. The Circuit Court for Orange County entered an order on The Academy of Ability, Inc. and William Harris's motion to tax costs, rejecting certain treating-witness and expert-witness costs and recognizing that McCloud was not personally liable for the costs. The parties appealed and cross-appealed, and the Sixth District Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Davis v. State, 153 So. 3d 399, 401 (Fla. 1st DCA 2014)
- Prince v. State, 40 So. 3d 11, 13 (Fla. 4th DCA 2010)
- Hoskins v. State, 75 So. 3d 250, 257 (Fla. 2011)
- Askar v. Abo, 411 So. 3d 449 (Fla. 6th DCA 2024)

OPINION

PER CURIAM.

SIXTH DISTRICT COURT OF APPEAL STATE OF FLORIDA
_____ Case No. 6D2024-1498 Lower Tribunal No. 2020-CA-6655
_____ IN RE: Guardianship of T.B., an incapacitated person. THE
ACADEMY OF ABILITY, INC. and WILLIAM HARRIS, Appellants/Cross-Appellees, v.
KAREANA V. MCCLOUD, as guardian of the person and property of T.B., an incapacitated
person, Appellee/Cross-Appellant. _____ Appeal pursuant to Fla. R.
App.

P. 9.130 from the Circuit Court for Orange County. Brian S. Sandor, Judge. August 1, 2025
NARDELLA, J. This appeal stems from the trial court’s ruling on the motion to tax costs of The
Academy of Ability, Inc. and William Harris (“Defendants”) following the voluntary dismissal of
the case by Kareana V. McCloud, as guardian of the person and property of T.B. (“Plaintiff”).

1 The parties each raise one issue on appeal, both of which we find unavailing. First, with respect
to Defendants’ argument 1 The claims in this case related solely to T.B., who is an incapacitated
person. challenging the trial court’s rejection of costs associated with treating and expert
witnesses, we find they failed to challenge each of the reasons supporting that finding in their
initial brief, thus, allowing the trial court’s ruling to stand on the unchallenged reason.

See Davis v. State, 153 So. 3d 399, 401 (Fla. 1st DCA 2014) (“An appellant who presents no
argument as to why a trial court’s ruling is incorrect on an issue has abandoned the issue—
essentially conceded that denial was correct.” (quoting Prince v. State, 40 So. 3d 11, 13 (Fla. 4th
DCA 2010))). 2 Second, with respect to Plaintiff’s argument that the trial court erred by holding
Ms. McCloud personally liable for the costs, we find the order on costs does no such thing.

Rather, the order expressly recognizes that the guardian, Ms. McCloud, is not personally liable for
the costs. For these reasons, we affirm the trial court’s ultimate ruling on Defendants’ motion to
tax costs against Plaintiff. AFFIRMED. TRAVER, C.J., and WHITE, J., concur. Jason M.
Azzarone, Thomas Saieva, and Lesley Stine, of La Cava Jacobson & Goodies, P.A., Tampa, for
Appellants/Cross-Appellees.

Ryan Christopher Rodems, of Morgan & Morgan, P.A., Orlando, for Appellee/Cross-Appellant.
NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF TIMELY FILED 2 While Defendants addressed both reasons in
their reply brief, these arguments came too late. E.g., Hoskins v. State, 75 So. 3d 250, 257 (Fla.
2011); Askar v. Abo, 411 So.

3d 449 (Fla. 6th DCA 2024). 2

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