

DISTRICT COURT OF APPEAL OF FLORIDA, FIRST DISTRICT

Amanda Cudworth v. Joseph Trozzo

Cudworth v. Trozzo · No. 1D17-100 · Decided October 30, 2017

SUMMARY

The Florida First District Court of Appeal reversed an order requiring Amanda Cudworth to pay unreimbursed expenses, band fees, and Joseph Trozzo's attorney's fees in a child-support enforcement matter. The court held that the trial court improperly relied on unsupported spreadsheet amounts and included expenses incurred before Trozzo sought a child-support order.

CASE DETAILS

COURT	District Court of Appeal of Florida, First District
WRITING FOR THE COURT	B.L. Thomas, C.J.; Lewis, J.; Rowe, J.
JURISDICTION	Florida
DECIDED	October 30, 2017
DOCKET	1D17-100
DISPOSITION	reversed
PROCEDURAL POSTURE	Amanda Cudworth appealed an order granting Joseph Trozzo's motion for sanctions and motion for enforcement in a child-support-related matter.
STANDARD OF REVIEW	Abuse of discretion
PRECEDENTIAL VALUE	published
PARTIES	Amanda Cudworth v. Joseph Trozzo

TOPICS

- child support
- sanctions
- attorney fees
- appellate procedure
- remedies

PRACTICE AREAS

- family law
- civil procedure
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by granting Trozzo's motion for enforcement based on unsupported spreadsheet amounts and expenses incurred before a child-support order was sought.
2. Whether the award of attorney's fees to Trozzo could stand when he should not have prevailed on the enforcement motion.

HOLDINGS

1. The trial court abused its discretion by granting the motion for enforcement because the documentation failed to support the spreadsheet amounts and many of the claimed expenses were incurred before Trozzo sought a child-support order.
2. The attorney's-fee award to Trozzo was reversed because Trozzo should not have prevailed on the motion for enforcement.

KEY QUOTATIONS

“Thus, the trial court abused its discretion by granting the motion for enforcement.” (2)

“We also reverse the award of attorney’s fees as Trozzo should not have prevailed on this motion for enforcement.” (2)

FACTUAL BACKGROUND

The trial court relied on a spreadsheet introduced by Trozzo to determine the amounts Cudworth was required to pay. The documentation attached to the spreadsheet did not support the amounts listed. The court also considered expenses incurred before Trozzo sought a child-support order and awarded Trozzo attorney's fees for the enforcement motion.

PROCEDURAL HISTORY

The Circuit Court for Leon County entered an order requiring Cudworth to pay \$1,453.82 in unreimbursed expenses and \$220 in band fees, and awarded Trozzo attorney's fees for pursuing the enforcement action. Cudworth appealed, and the First District Court of Appeal reversed.

DISPOSITION

reversed

CASES CITED

- Cordell v. Cordell, 30 So. 3d 647, 649 (Fla. 3d DCA 2010)

OPINION

PER CURIAM.

IN THE DISTRICT COURT OF APPEAL FIRST DISTRICT, STATE OF FLORIDA AMANDA CUDWORTH, NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING

AND Appellant, DISPOSITION THEREOF IF FILED v. CASE NO. 1D17-100 JOSEPH TROZZO, Appellee. / Opinion filed October 16, 2017. An appeal from the Circuit Court for Leon County. Kevin J. Carroll, Judge. Emilian "Ian" Bucataru, Tallahassee, for Appellant.

Thomas Duggar and Daniel I. Phillips of Duggar & Duggar, P.A., Tallahassee, for Appellee. PER CURIAM. Amanda Cudworth challenges the trial court's order on motion for sanctions and motion for enforcement that required her to pay \$1,453.82 in un-reimbursed expenses and \$220 in band fees and that awarded Joseph Trozzo attorney's fees for pursuing the enforcement action.

We reverse. The trial court relied on a spreadsheet entered into evidence by Trozzo when determining the amounts that Cudworth was required to pay. However, the attached documentation failed to support the amounts listed in the spreadsheet.

Moreover, many of the expenses should not have been considered because they were incurred prior to Trozzo seeking a child support order. See *Cordell v. Cordell*, 30 So. 3d 647, 649 (Fla. 3d DCA 2010). Thus, the trial court abused its discretion by granting the motion for enforcement.

We also reverse the award of attorney's fees as Trozzo should not have prevailed on this motion for enforcement. We, therefore, REVERSE the order on appeal. B.L. THOMAS, C.J., and LEWIS and ROWE, JJ., CONCUR. 2