

Third District Court of Appeal

State of Florida

Opinion filed September 11, 2024.
Not final until disposition of timely filed motion for rehearing.

No. 3D23-1416
Lower Tribunal No. 20-4641

**Law Offices of Scott Alan Orth, P.A., Scott Alan Orth,
and Eric Salvatore Giunta,**
Appellants,

vs.

In Re: Estate of Mario Quintero,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Jorge E. Cueto, Judge.

Law Offices of Scott Alan Orth, P.A., and Scott Alan Orth (Hollywood),
for appellants.

Solomon Appeals, Mediation & Arbitration, and Donna Greenspan
Solomon (Fort Lauderdale), for appellee Maria McGowan, Personal
Representative of the Estate of Mario Quintero.

Before LINDSEY, MILLER and GOODEN, JJ.

PER CURIAM.

This probate dispute is before this Court for the fourth time. See Anderson v. Estate of Quintero, 374 So. 3d 67 (Fla. 3d DCA 2022); Anderson v. Estate of Quintero, 388 So. 3d 938 (Fla. 3d DCA 2024); Anderson v. McGowen, Case No. 3D23-2165 (Fla. 3d DCA Dec. 7, 2023) (unpublished order denying writ of prohibition). We will not belabor the extensive history between these parties.

While the second appeal was pending before this Court, the trial court issued a detailed order sanctioning the Appellants for their continued attempts to probate the lost will. The sanctions were pursuant to section 57.105(1), Florida Statutes, the inequitable conduct doctrine set forth in Bitterman v. Bitterman, 714 So. 2d 356 (Fla. 1998), and the trial court's protective order in which it reserved jurisdiction to award fees. The trial court awarded the amount of fees incurred from the date our opinion was issued in the first appeal.

Based on our review of the record, the trial court did not abuse its discretion. Cf. Sec. Pac. Credit Corp. v. Oasis Plaza Corp., 714 So. 2d 1039, 1040 (Fla. 3d DCA 1998) (holding award of section 57.105, Florida Statutes, fees warranted where counsel did not act in good faith by re-litigating claims that had already been determined to be without merit); Bay Fin. Sav. Bank, F.S.B. v. Hook, 648 So. 2d 305, 307 (Fla. 2d DCA 1995) (same).

Affirmed.