

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT,  
IN AND FOR ORANGE COUNTY, FLORIDA

PORTFOLIO RECOVERY  
ASSOCIATES, LLC,

CASE NO.: 2015-CV-9-A-O  
Lower Court Case No.: 2013-CC-001385-O

Appellant,

v.

SONYA SURGEONT,

Appellee.

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Appeal from the County Court,  
for Orange County, Florida,  
Adam McGinnis, County Judge.

Robert E. Sickles, Esq., and John P. Gaset, Esq.,  
for Appellant.

Heather A. Harwell, Esq.,  
for Appellee.

Before O'KANE, UNDERWOOD, and MURPHY, J.J.

PER CURIAM.

**FINAL ORDER LIFTING STAY AND REVERSING TRIAL COURT'S ORDER  
GRANTING DEFENDANT'S MOTION FOR ATTORNEY'S FEES**

Appellant, Portfolio Recovery Associates, LLC, appeals the trial court's December 19, 2014, order granting Appellee Sonya Surgeont's motion for attorney's fees. This Court has jurisdiction under Florida Statute section 26.012(1), and Florida Rule of Appellate Procedure 9.030(c)(1)(A).

On March 1, 2016, this Court stayed this proceeding pending the outcome of the motion for rehearing filed in the indistinguishable Fifth District Court of Appeal case *HFC Collection Center, Inc. v. Alexander*, 40 Fla. L. Weekly D2448 (Fla. 5th DCA Oct. 30, 2015). The Fifth

District denied the motion for rehearing in that case on March 7, 2016. We now lift the stay and reverse, as the Fifth District ruled that estoppel prevents a party from recovering attorney's fees under Florida Statute section 57.105(7), after that party successfully argues to the trial court that there was no assignment of the contract containing the attorney's fee provision.

Based on the foregoing, it is hereby **ORDERED AND ADJUDGED** as follows:

1. The stay of this appeal entered on March 1, 2016, is lifted.
2. The trial court's order awarding attorney's fees to Surgeont is **REVERSED** and this matter is **REMANDED** to the trial court for proceedings consistent with *HFC Collection Center, Inc. v. Alexander*.
3. Surgeont's motion for appellate attorney's fees, filed on August 26, 2015, is **DENIED**.

**DONE AND ORDERED** in Chambers, at Orlando, Orange County, Florida, on this 17th day of March, 2016.

/S/  
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**JULIE H. O'KANE**  
**Presiding Circuit Judge**

UNDERWOOD and MURPHY, J.J., concur.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Order has been furnished to: **The Honorable Adam McGinnis, Orange County Judge**, Orange County Courthouse, 425 N. Orange Ave., Orlando, FL 32801; **Robert E. Sickles, Esq., and John P. Gaset, Esq.**, Broad and Cassel, 100 N. Tampa St., Ste. 3500, Tampa, FL 33602; and **Heather A. Harwell, Esq.**, Law Office of Heather A. Harwell, P.A., 27446 Cashford Circle, Ste. 101, Wesley Chapel, FL 33544, on this 17th day of March, 2016.

/S/  
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Judicial Assistant