

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D2024-0418
LT Case No. 2020-17767-CODL

KIMBERLY SWOYER BRUSH,
ESQUIRE, as Personal
Representative of the Estate of
Frederick Eugene Swoyer,

Appellant,

v.

KELLY DIMARIA COPPELLI,

Appellee.

On appeal from the County Court for Volusia County,
Rachel D. Myers, Judge.

Kimberly Swoyer Brush, Lakeland, for Appellant.

Sarah L. Metz, of Smith Bigman Brock, Daytona Beach,
for Appellee.

February 14, 2025

PER CURIAM.

Appellant challenges the involuntary dismissal of her case and the award of attorney's fees to Appellee. We affirm the involuntary dismissal. We dismiss the appeal of the fee award as untimely. *See* Fla. R. App. P. 9.110(b); *Pennywell v. Dep't of Rev. ex rel. Woodard*, 62 So. 3d 19, 20 (Fla. 1st DCA 2011) ("The filing

deadline is jurisdictional, and the untimely filing of a notice of appeal precludes the court from exercising jurisdiction over the appeal.”); *Scott ex rel. Scott v. Women’s Med. Grp., P.A.*, 837 So. 2d 577, 577 (Fla. 1st DCA 2003) (“Final attorney’s fees orders are appealable as separate final judgments.”); *Nielsen v. Joannou*, 835 So. 2d 1219, 1220 n.1 (Fla. 5th DCA 2003) (“This order, while not disposing of the entire case, assesses attorney’s fees and costs ‘for which let execution issue.’ Accordingly, the order is appealable as a final order.”); *Saye v. Pieschacon*, 750 So. 2d 759, 761 (Fla. 1st DCA 2000) (holding that “despite the lack of a final judgment on the issue of liability,” an appeal of a fee award could proceed since the award was final and “independently appealable”).

AFFIRMED in part; DISMISSED in part.

JAY, MACIVER, and PRATT, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.
