

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JANUARY TERM 2006

HERNANDO COUNTY
SCHOOL BOARD,

Appellant/Cross-Appellee,
v.

CASE NO. 5D05-1623

PAUL NAZAR and
ALISON NAZAR,

Appellee/Cross-Appellant.

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Opinion filed June 30, 2006

Appeal from the Circuit Court
for Hernando County,
Daniel Merritt, Sr., Judge.

John D. Jopling, Elizabeth M. Collins and
David M. Delaney of Dell Graham, P.A.,
Gainesville, for Appellant/Cross-Appellee.

Peter M. Capua of Lorenzo & Capua,
Miami, for Appellee/Cross-Appellant.

PALMER, J.

ON NOTICE OF NON-COMPLIANCE WITH ORDER OF THE COURT

By opinion dated February 17, 2006, Paul Nazar and his counsel, Peter M. Capua, were each ordered to pay fifty percent of all fees charged by the mediator in connection with the appellate mediation in this case as well as reasonable attorney's fees and costs incurred by Hernando County School Board in preparing for and attending the appellate mediation and filing its motion for sanctions.

Hernando County School Board has filed a notice of non-compliance, indicating that Attorney Capua has paid one-half of the mediator's fee, but the remaining half has not been paid by Paul Nazar. In addition, the notice indicates that its reasonable attorney's fees and costs have not yet been paid.

With regard to the mediator's fees, if such fees are not paid by Mr. Nazar within 15 days from the date of this opinion, his answer brief in this matter shall be stricken and the court shall make a determination on the merits of this appeal without consideration of the contents of that brief.

With regard to the attorney's fees and costs, appellant's counsel should proceed with scheduling a hearing before the trial judge, acting as a commissioner, pursuant to our opinion, to determine the reasonable amount of costs and fees, which shall then be promptly paid, fifty percent by Mr. Nazar and fifty percent by Attorney Capua.

PLEUS, C.J., and SHARP, W., J., concur.