

IN THE COUNTY COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

MICHAEL V. LAURATO and
AUSTIN & LAURATO, P.A.

Plaintiffs,

Case No.: 09-23761

Vs.

Division: I

SUSAN DEMICHELE d/b/a
DEMICHELE DEPOSITION
REPORTERS OF NORTHERN CA,

Defendant.

_____ /

NOTICE OF APPEAL

Notice is given that AUSTIN & LAURATO, P.A., Plaintiff/Appellant appeals to the Circuit Court, Thirteenth Judicial Circuit in and for Hillsborough County, Florida, the Order of this Court rendered November 17, 2010. A conformed copy of the Final Judgment is attached hereto in accordance with Rule 9.110(d), Fla. R. App. P. The nature of the Order is a Final Judgment in favor of the Defendant, SUSAN DEMICHELE d/b/a DEMICHELE REPORTERS OF NORTHERN CA and against Plaintiff, AUSTIN & LAURATO, P.A.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by regular U.S. mail to: **Brian F. Stayton, Esq.**, 4365 Lynx Paw Trail, Valrico, FL 33596, on this 16th day of December, 2010.


ARDYN V. CUCHEL, ESQUIRE

**Florida Bar No.: 0713759
1902 West Cass Street
Tampa, Florida 33606
(813) 253-3051
(813) 258-4625 Facsimile
Attorneys for Plaintiff/Appellant**

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PLAINTIFF, MICHAEL V. LAURATO'S MOTION TO TAX COSTS

COMES NOW, the Plaintiff, MICHAEL V. LAURATO, by and through his undersigned counsel, and hereby moves the court for an award of taxable costs pursuant to Fla.R.Civ.P. 1.525, F.S. 86.081, and the applicable provisions of the Florida Statutes providing for the taxation of costs in favor of the prevailing party. The plaintiff has filed simultaneously with the motion an affidavit of costs along with supporting documentation in support of the cost application.

Further, pursuant to the case law, plaintiff seeks an award of interest on any award of costs from the date entitlement to those items is settled by agreement of the parties, court order, or act of law.

As grounds therefore, the plaintiff states:

I.

STATEMENT OF THE CASE

This was a cause of action for declaratory judgment seeking to void a foreign judgment filed in the above-referenced county on the basis of lack of personal jurisdiction. Plaintiffs filed a Declaratory Judgment Action pursuant to Florida Statute to determine whether or not service of process had been properly obtained on the Plaintiffs. At the trial the Defendant stipulated that service was never properly obtained in the underlying case upon Plaintiff Michael V. Laurato. The Court ultimately found that as to Plaintiff Michael V. Laurato the domesticated judgment is null and void.

II.


CONCLUSION

Pursuant to the applicable Florida Rules of Civil Procedure and Florida Statutes set forth above, Plaintiff, MICHAEL V. LAURATO, is entitled to an award of taxable costs against Defendant, SUSAN DEMICHELE d/b/a DEMICHELE REPORTERS OF NORTHERN CA.

WHEREFORE plaintiff prays that this court award the plaintiff taxable costs, and interest from the date of entitlement on any award.

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**DESIGNATIONS TO THE COURT REPORTER
AND REPORTER'S ACKNOWLEDGMENT**

I.

DESIGNATION

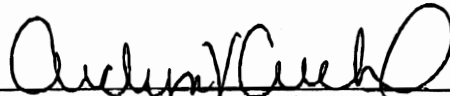
Pursuant to Rule 9.200(b), the plaintiff/appellant designates the following portions of the transcript of proceedings to be included in the record on appeal:

1. A complete transcript of the final hearing held before the Honorable Eric R. Myers, beginning on October 25, 2010, and ending on October 25, 2010. All motions, objections, and reported communications should be included. (RHONDA BREUWET of MICHAEL MUNETTA & ASSOCIATES).

2. As counsel for the appellant, I hereby certify that satisfactory financial arrangements have been made with the court reporters for preparation of the transcripts requested by this designation.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by regular U.S. mail to: **Brian F. Stayton, Esq.**, 4365 Lynx Paw Trail, Valrico, FL 33596, and **Rhonda Breuwet, Michael Musetta & Associates**, 201 N. Franklin Street, Suite 3400, Tampa, FL 33602, on this 16th day of December, 2010.


ARDYN V. OUCHEL, ESQUIRE
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Attorneys for Plaintiff/Appellant

II.

REPORTER'S ACKNOWLEDGMENT

Pursuant to Rule 9.200(b)(3) the court reporter, _____, submits the following acknowledgment.

1. The foregoing designation was served on _____ (date) and received on _____ (date).
2. Satisfactory arrangements have _____ have not _____ been made for payment of the transcript cost. These financial arrangements were completed on _____ (date).
3. The number of hearing days is _____.
4. The estimated number of transcript pages is _____.
5. The transcript will be available within thirty days of service of this designation and will be filed on or before _____ (date).

or

For the following reason(s) the court reporter requests an extension of time of _____ days for preparation of the transcript that will be filed on or before _____ (date).

6. Completion and filing of this acknowledgment by the court reporter constitutes submission to jurisdiction of the court for all purposes in connection with these appellate proceedings.

7. The undersigned court reporter certifies that the foregoing is true and correct and that a copy has been furnished by mail this ____ day of _____, 20__ to each of the parties or their counsel.

Court Reporter
Address:

Telephone Number:

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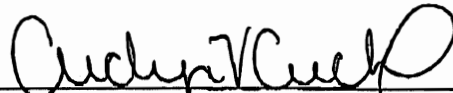
DIRECTIONS TO THE CLERK

Pursuant to Rule 9.200(a)(1), the plaintiff/appellant, AUSTIN & LAURATO, P.A. directs the clerk to include the following documents and exhibits in the record on appeal in this case:

1. The plaintiff/appellant directs the clerk to include all of the materials listed in Rule 9.200(a)(1).
2. Additionally, the plaintiff/appellant directs the clerk to include the following items:
 - a. The transcript of the final hearing conducted on October 25, 2010.
 - b. The plaintiff's motion for Judgment on the Pleadings and all attachments.
 - c. The documentary evidence received and admitted at trial.

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AFFIDAVIT AS TO COSTS

STATE OF FLORIDA))
COUNTY OF HILLSBOROUGH))

BEFORE ME, the undersigned authority, came and appeared, ARDYN V. CUCHEL, of THE LAW OFFICE OF ARDYN V. CUCHEL, P.A., who being first duly sworn, deposes and says that she is a member of the law firm of THE LAW OFFICE OF ARDYN V. CUCHEL, P.A., the attorneys for the plaintiff, and that she knows the costs advanced by the plaintiff, and/or the law firm on behalf of plaintiff in connection with the collection of the claim of lien, which are as follows:

<u>Item</u>	<u>Amount</u>
Clerk's Filing Fee (\$ 410.00 for both Plaintiffs)	\$ 205.00
Service of Process (\$ 55.00 for both Plaintiffs)	\$ 27.50
Court Reporter (\$ 70.00 for both Plaintiffs)	\$ 35.00
Copies - Case Law/Research	

(362 pages @ \$.25/page) \$ 90.50

TOTAL COSTS: \$ 358.00

FURTHER AFFIANT SAYETH NAUGHT.

Ardyn V. Cuchel
ARDYN V. CUCHEL, ESQ.

SWORN TO and SUBSCRIBED before me by ARDYN V. CUCHEL, ESQUIRE

who is personally known to me or who produced _____ as

identification, this 16th day of December, 2010.



Ileana Luna Vinci
Notary Public, State of Florida
(Print, Type, of Stamp Commissioned Name of Notary Public)

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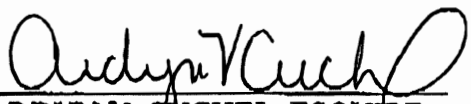
_____ /

NOTICE OF FILING AFFIDAVIT AS TO COSTS

COMES NOW, the Plaintiff, MICHAEL V. LAURATO, by and through his undersigned counsel, and hereby gives notice of filing the attached Affidavit as to Costs, in support of his Motion to Tax Costs.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by regular U.S. mail to: **Brian F. Stayton, Esq.**, 4365 Lynx Paw Trail, Valrico, FL 33596, on this 16th day of December, 2010.


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