

**TIMELINESS OF POST-TRIAL MOTIONS AND NOTICES OF APPEAL:
WHY DOES IT MATTER?**

In the recent case Osthene v. Geico Indem. Co., 4D12-3424 (Fla. 4th DCA 2014), the Insureds filed suit for uninsured motorist benefits and the matter proceeded to trial. The jury only awarded minimal past medical expenses. The Insureds moved for additur nineteen days after the jury's verdict. Before the motion was heard, the trial court entered final judgment in the amount of the jury's verdict.

Several months after the final judgment was entered, the trial court heard the Insureds' motion and denied it as untimely. The Insureds appealed the order denying their motion for additur.

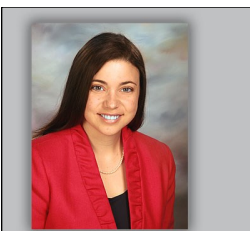
The Fourth District Court of Appeal dismissed the appeal for lack of jurisdiction. The Court explained that a motion for additur is the equivalent of a conditional motion for new trial and must be served within ten days of the verdict. Since the motion was untimely, it did not suspend rendition of the final judgment. Only timely filed post-trial motions suspend rendition of the final judgment. As a result, the Insureds missed the deadline to file an appeal.

From an appellate standpoint, it is imperative that parties serve all post-trial motions within the time limits set forth in the rules. If they do not, they not only risk waiving their appeal as to those motions, but also risk missing the deadline for filing an appeal altogether.

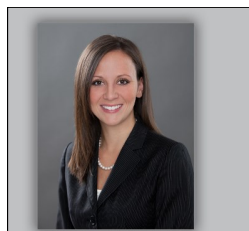
If you have any questions about the timing of post-trial motions, deadlines to file an appeal or suspension of rendition of the final judgment, please feel free to contact our appellate attorneys at any time.

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The Boyd & Jenerette Appellate Department can assist you with all phases of state and federal litigation and appellate proceedings. Our attorneys are experienced in identifying legal issues and evaluating the chances of winning an appeal. We will initially consult with the client and provide our recommendations for a cost effective appellate strategy. Our appellate attorneys are skilled in drafting persuasive appellate briefs and are excellent oral advocates. We are also brought in at the trial court level to advise and assist the client with preservation of issues for appeal.



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