

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA
CIVIL DIVISION**

MICHAEL T. FLYNN,

Plaintiff,

Case No. 2023-CA-004264 NC

v.

Division C Circuit

JIM STEWARTSON; RICK WILSON;
AND MEIDASTOUCH, LLC,

Defendants.

RICK WILSON'S MOTION FOR APPELLATE ATTORNEYS' FEES AND COSTS

Defendant, Rick Wilson, by and through undersigned counsel, pursuant to Fla. R. Civ. P. 1.525 and Section 768.295(4)¹, Florida Statutes, files this Motion for Appellate Attorney's Fees and Costs and states as follows:

1. On July 13, 2023, Plaintiff Michael Flynn filed his amended complaint, adding claims against Defendant, Rick Wilson, to the claims originally asserted against Co-Defendant Stewartson. (DIN 23).

2. On October 25, 2023, Mr. Wilson filed his Motion to Dismiss with prejudice pursuant to Section 768.295, Florida Statutes or in the alternative, Motion for Summary Judgment (DIN 34).

3. On November 3, 2023, Plaintiff moved for Leave to Amend the Amended Complaint for a second time, now to add Defendant MeidasTouch LLC. (DIN 37).

¹ "The court shall award the prevailing party reasonable attorney fees and costs incurred in connection with a claim that an action was filed in violation of this section."

4. On December 19, 2023, this Court granted Plaintiff's Motion for Leave to Amend the Amended Complaint adding MeidasTouch LLC as a party. (DIN 55).

5. On January 3, 2024, Mr. Wilson filed his Motion to Dismiss the Second Amended Complaint or in the Alternative Motion for Summary Judgment pursuant to Section 768.295, Florida Statutes. (DIN 63). Mr. Wilson also filed an updated Request for Judicial Notice. (DIN 64).

6. On January 19, 2024, counsel for Mr. Wilson, Mr. Stewartson argued their respective motions to Dismiss and/or for Summary Judgment. (DIN 72).

7. On January 30, 2024, this Court entered its Order Granting Final Summary Judgment in favor of Defendant Rick Wilson; granting in part and denying in part Defendant Stewartson's Motion to Dismiss and Directing Defendant Stewartson to Answer the remaining allegations of the Second Amended Complaint. (DIN 75). The Court specifically found, "Mr. Wilson is entitled to summary judgment under the anti-SLAPP statute. And the Court resolves Mr. Wilson's motion primarily on that basis," (See, p. 8 of DIN 75).

8. Flynn filed his notice of appeal to the Second District Court of Appeal on February 1, 2024. (DIN 78).

9. On February 19, 2024, (within 30 days of this Court entering its January 30, 2024 Order Granting Final Summary Judgment in favor of Defendant Rick Wilson) Wilson filed his Motion for Attorneys' Fees with this Court. (DIN 90).

10. On December 11, 2024, the Second District Court of Appeals issued its Decision in Mr. Wilson's favor. (DIN 127).

11. On December 11, 2024, the Second District Court of Appeals issued its Order granting appellate fees pursuant 768.295(4). (DIN 121).

12. On January 14, 2025, the Second District issued its mandate relative to Plaintiff Flynn's appeal, upholding the trial court's ruling. (DIN 127).

13. Section 768.295(4), Florida Statutes mandates, "The court shall award the prevailing party reasonable attorney fees and costs incurred in connection with a claim that an action was filed in violation of this section."

14. Mr. Wilson is the prevailing party with regard to Plaintiff's claims against him (See, Plaintiff's Amended Complaint (DIN 23), Plaintiff's Second Amended Complaint (DIN 59) and Flynn's subsequent appeal of said order (DIN 127)) and is entitled to be awarded reasonable attorneys' fees and costs in connection with these claims.

15. Mr. Wilson's Second Motion was served within thirty (30) days of the date of entry of the Mandate pursuant to Fla. R. Civ. P. 1.525.

16. Copies of all invoices, time records, supporting documentation for costs requested and an expert analysis will be provided to counsel for Plaintiff once this Court sets an evidentiary hearing to determine Wilson's reasonable attorneys' fees and costs pursuant to Section 768.295(4), Florida Statutes.

17. Mr. Wilson respectfully requests an evidentiary hearing on his reasonable attorneys' fees and costs pursuant to Section 768.295(4), Florida Statutes.

CONCLUSION

WHEREFORE, this Court should Grant Defendant Rick Wilson's Motion for appellate attorneys' fees and costs pursuant to Section 768.295(4), Florida Statutes against Plaintiff, Michael Flynn, (and should grant Wilson's February 19, 2024 Motion for Attorneys' Fees, (DIN 90)--- both Motions will be scheduled for hearing concurrently), and enter judgment, as Wilson prevailed at trial and on appeal by establishing that Flynn's lawsuit was in violation of Section 786.295

Florida Statutes. The amounts of reasonable attorneys' fees will be determined upon further submission.

Respectfully submitted on February 3, 2025.

/s/ Leonard M. Collins

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided to the following via electronic mail on February 3, 2025.

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