

IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA

CASE NO.: 03-8598 CACE 08

GENERAL MOTORS CORPORATION,

Petitioner,

vs.

JOSEPH CHIARAMONTE,

Respondent.

RECEIVED

AUG 05 2004

Orlando Law Offices of
Rumberger, Kirk & Caldwell, P.A.

**AMENDED FINAL JUDGMENT IN FAVOR OF RESPONDENT
AFFIRMING THE FLORIDA LEMON LAW ARBITRATION AWARD**

Pursuant to the Respondent's Motion to Amend Final Judgment in Favor of Respondent Affirming Florida Lemon Law Arbitration Award, the Final Judgment in Favor of Respondent Affirming the Florida Lemon Law Arbitration Award entered by this Court on July 26, 2004, is hereby amended. Therefore, it is

ORDERED AND ADJUDGED as follows:

1. Respondent, Joseph Chiaramonte's Motion For Dismissal with Prejudice was granted by this Court on February 12, 2004 by separate written Order;
2. An Order on Respondent's Motion for Final Summary Judgment was entered against Petitioner General Motors Corporation on all allegations against Respondent Chiaramonte in the petition on June 15, 2004.
3. Pursuant to §681.1095(13), Fla. Stat.

(13) If a decision of the board in favor of the consumer is upheld by the court, recovery by the consumer shall include the pecuniary value of the award, attorneys' fees incurred in obtaining confirmation of the award, and all costs and continuing damages in the amount of \$25 per day for each day beyond the 40-day period

following the manufacturer's receipt of the board's decision. If a court determines that the manufacturer acted in bad faith in bringing the appeal or brought the appeal solely for the purpose of harassment or in complete absence of a justiciable issue of law or fact, the court shall double, and may triple, the amount of the total award.

4. Having previously found that General Motors acted in bad faith in bringing this lemon law "appeal" this Court determined the Respondent was entitled to twice the amount of his total award.

5. Thus, having considered the Respondent's Affidavit, deposition, New Motor Vehicle Arbitration Award and all other record evidence this Court awards the Respondent the amount of \$68,556.46.

6. General Motors Corporation shall pay to the lienholder of record, General Motors Acceptance Corporation (GMAC), the balance owed or payoff the loan as of the date of repurchase of the vehicle.

7. Further, §681.1095(14), Fla. Stat, allows for the payment of the consumers' attorneys fees as a condition of filing an appeal to the District Court,

When a judgment affirms a decision by the board in favor of a consumer, appellate review may be conditioned upon payment by the manufacturer of the consumer's attorney's fees and giving security for costs and expenses resulting from the review period. This Court reserves jurisdiction to determine whether any appeals to the Fourth District Court of Appeals shall be conditioned upon payment the consumer's attorneys' fees and other costs and expenses resulting from the review period incurred by the Respondent under Florida law.

8. Therefore this Court reserves jurisdiction to determine whether a payment by General Motors Corporation may be required as security for the consumer's costs and expenses resulting

from the review period, and this Court also reserves jurisdiction to determine the amount of Respondent's additional attorneys' fees and costs.

IT IS ADJUDGED that JOSEPH CHIARAMONTE, 3850 Galt Ocean Drive, Apartment 1511, Fort Lauderdale, FL 33308, recover from GENERAL MOTORS CORPORATION, 300 Renaissance Center, M/C 482-C14-C66, Detroit, MI 48265-3000, the sum of \$68,556.46, plus continuing damages in the amount of \$25.00 per day for each day past July 26, 2004, that being the date of entry of the Final Judgment in Favor of Respondent Affirming the Florida Lemon Law Arbitration Award, until paid. Said sums shall bear interest at the rate of 7% a year, for which let execution issue.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida this

_____ day of _____, 2004.

J. LEONARD FLEET
AUG - 3 2004
A TRUE COPY

J. LEONARD FLEET, Circuit Court Judge

Copies to:

Charles P. Mitchell, Esquire
Rebecca J. Covey, Esquire