

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

Affidavit and any objection thereto without
further hearing.

Dated this 29th day of July, 2009.

In re:

Case No. 6:02-bk-05591-ABB
Chapter 13

MIGUEL A. DIAZ,

Debtor.

/s/Arthur B. Briskman
ARTHUR B. BRISKMAN
United States Bankruptcy Judge

ORDER

This matter came before the Court on the Motion for Sanctions (Doc. No. 172) filed by the Debtor Miguel A. Diaz against the Florida Department of Revenue and the Commonwealth of Virginia, Department of Social Services (collectively, the "Respondents"). The final evidentiary hearing on the Motion was concluded on June 29, 2009 at which the parties agreed the Motion is ready for determination.

The Debtor asserts he, through his engagement of Barbara R. Joyner, Attorney at Law, has incurred attorney's fees and costs relating to this matter. No evidence was presented regarding such fees and costs, which are relevant to the determination of this matter. A trial court has discretion to reopen the evidence after both parties have rested. Lundgren v. McDaniel, 814 F.2d 600, 607 (11th Cir. 1987). Cause exists for reopening the evidence regarding the fees and costs of Barbara R. Joyner.

Accordingly, it is

ORDERED, ADJUDGED and DECREED that Barbara R. Joyner, within seven (7) days of the entry of this Order, shall file with the Court and serve on the Respondents a detailed Affidavit setting forth her fees and costs relating to this matter; and it is further

ORDERED, ADJUDGED and DECREED that the Respondents, within seven (7) days of receipt of the Affidavit, shall file and serve on the Debtor any objection to such Affidavit; and it is further

ORDERED, ADJUDGED and DECREED that the Court will consider the