

721 So. 2d 335, *; 1998 Fla. App. LEXIS 12733, **;
23 Fla. L. Weekly D 2292
FORD MOTOR COMPANY, Appellant, v. ROBERT STARLING, Appellee.

CASE NO. 97-1567

COURT OF APPEAL OF FLORIDA, FIFTH DISTRICT

721 So. 2d 335; 1998 Fla. App. LEXIS 12733; 23 Fla. L. Weekly D 2292

October 9, 1998, Opinion Filed

SUBSEQUENT HISTORY: [**1] Rehearing Denied December 9, 1998. Released for Publication December 30, 1998.

PRIOR HISTORY: Appeal from the Circuit Court for Lake County, Jerry T. Lockett, Judge.

DISPOSITION: AFFIRMED.

CASE SUMMARY

PROCEDURAL POSTURE: Appellant automobile manufacturer challenged the award of treble damages in favor of appellee consumer, by the Circuit Court for Lake County (Florida), based on appellant's bad faith appeal of an arbitration decision.

OVERVIEW: Appellant automobile manufacturer challenged the award of treble damages to appellee consumer by the lower court for appellant's bad faith appeal of an arbitration decision made under the Florida Lemon Law Arbitration Program. The trial court determined that because appellant brought an appeal based in part on a defense that a dismissed party was responsible for the nonconformity in the vehicle, a defense appellant had waived before the arbitrators, because appellant asserted on appeal that its differential was not defective even though the testimony of its own employees indicated otherwise, and because appellant presented a video recording of a test conducted by its employee which manipulated the test results, the appeal was in bad faith. In affirming, the court held that there was record support for the judge's decision and that the court would not disturb the findings of fact on appeal.

OUTCOME: The court affirmed the award of treble damages based on appellant automobile manufacturer's bad faith appeal of an arbitration decision requiring appellant to repurchase appellee consumer's vehicle. The court held that there was record support for the trial judge's determination of bad faith.