# CAPTION: WILLIAM CHAPEL V. WHEELER GROWTH CO.

**11-03-23**

APPEAL NO.: C-220662

TRIAL NO.: A-1904329

KEY WORDS: PROPERTY – TORTS – ATTORNEY’S FEES – MALICE – PUNITIVE DAMAGES

SUMMARY:

The trial court did not err in finding that defendant acted with malice in ordering its contractors to trespass by removing plaintiff’s tree without his permission, and therefore, the trial court acted within its authority in awarding plaintiff punitive damages and attorney’s fees.

The trial court did not err in awarding attorney’s fees where the court properly calculated the fees using the lodestar formula, the court did not err in not reducing the award based on duplicative billing entries, and the court’s award was not invalid on proportionality grounds, because there is no firm rule on the proportionality between plaintiff’s recovery amount and the amount of attorney’s fees awarded.

JUDGMENT: AFFIRMED

JUDGES: OPINION by BERGERON, J.; ZAYAS, P.J., and KINSLEY, J., CONCUR.