

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 13-10153

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D.C. Docket No. 0:10-cv-61485-WPD

BANTA PROPERTIES, INC.,

Plaintiff-Appellee,

versus

ARCH SPECIALTY INSURANCE COMPANY,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Florida

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(January 24, 2014)

Before CARNES, Chief Judge, WILSON and FAY, Circuit Judges.

PER CURIAM:

In light of our opinion in *Banta Properties, Inc. v. Arch Specialty Insurance Co.*, No. 12-14186, \_\_ F. App'x \_\_ (11th Cir. Jan. 24, 2014), we vacate the judgment regarding attorneys' fees because Banta Properties, Inc. is no longer the prevailing party. *See* Fla. Stat. §§ 626.9373, 627.428.

**VACATED** and **REMANDED** with instructions to enter judgment in favor of the appellant.