

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

CATHCART CONTRACTING COMPANY, ET AL.,

Appellants,

v.

Case No. 5D13-1883

P&S PAVING, INC. AND WESTERN SURETY  
COMPANY,

Appellees.

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Opinion filed October 24, 2014

Appeal from the Circuit Court  
for Seminole County,  
Alan A. Dickey, Judge.

Bryan L. Capps, of Moye, O'Brien,  
O'Rourke, Pickert & Dillon, LLP, Maitland,  
for Appellants.

Peter B. Heebner, John N. Upchurch, and  
J. Steven Garthe, of Heebner, Baggett,  
Upchurch & Garthe, P.L., Daytona Beach,  
for Appellees.

PER CURIAM.

Appellants, Cathcart Contracting Company and Westfield Insurance Company, appeal the final judgment awarding damages to Appellees, P&S Paving, Inc. and Western Surety Company. Two issues are raised in this appeal, but only one warrants reversal. Although the amount claimed and pled in Appellees' complaint was \$288,643.85, the court entered judgment in the amount of \$324,411.19. Because there is no substantial,

competent evidence to support the award of \$35,767.34 over the claimed amount of \$288,643.85, we reverse that part of the judgment and remand to the trial court to enter judgment for \$288,643.85.

AFFIRMED IN PART; REVERSED IN PART; REMANDED.

SAWAYA, LAWSON, and LAMBERT, JJ., concur.