

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

JOSEPH FURSTACE AND JOSEPH
GALUSZKA,

Appellants,

v.

Case No. 5D13-2285

ALLAN M. MIGDALL AND JAMES
MASSARO,

Appellees.

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Opinion filed October 24, 2014

Appeal from the Circuit Court for
Orange County,
Alice Blackwell, Judge.

John M. Bringardner and Mason B.
Binkley, of Lewis, Brisbois, Bisgaard &
Smith, LLP, Tampa, for Appellants.

Carl F. Schoeppl, of Schoeppl & Burke,
P.A., Boca Raton, for Appellee Allan M.
Migdall.

No Appearance for Appellee James
Massaro.

PER CURIAM.

Joseph Furstace and Joseph Galuszka appeal from an order granting Allan Migdall's motion to dismiss their second amended complaint. We dismiss this appeal for lack of jurisdiction. The trial court's order did not reflect that the dismissal was "with

prejudice,” nor did it otherwise suggest that Appellants were precluded from seeking relief under an alternative theory. See *Jim Macon Bldg. Contractors v. Lake Cnty.*, 763 So. 2d 1223, 1225 (Fla. 5th DCA 2000); *EIR, Inc. v. Elec. Molding Corp.*, 540 So. 2d 260 (Fla. 5th DCA 1989).

APPEAL DISMISSED.

PALMER, EVANDER, and BERGER, JJ., concur.