

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

MCB OIL COMPANY,

Appellant,

v.

CITY OF GAINESVILLE,

Appellee.

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

CASE NO. 1D06-0963

Opinion filed June 16, 2006.

An appeal from the Circuit Court for Alachua County.
Robert E. Roundtree, Jr., Judge.

Ralph C. McBride, Marietta, Georgia, for Appellant.

Andrew Prince Brigham, and Manny Papalas, Jacksonville; Scott J. Johnson of Holland & Knight, Orlando; and Daniel M. Nee, City Attorney, Gainesville, for Appellee.

PER CURIAM.

The appellant filed the instant appeal on February 17, 2006, seeking review of an order entered on December 15, 2005. Because the appellant's post-judgment motion was not timely served within 10 days of the date of filing of the order, see Fla. R. Civ. P. 1.530(b), the motion did not delay rendition. See Fla. R. App. P. 9.020(h).

Contrary to the appellant's assertion, the time for service of the motion was not extended by order of the trial court. See Fla. R. Civ. P. 1.090(b); Jones v. Jones, 845 So. 2d 1012 (Fla. 5th DCA 2003). Consequently, the appellant's notice of appeal did not timely invoke this Court's jurisdiction. See Fla. R. App. P. 9.110(b).

DISMISSED.

KAHN, C.J., ERVIN, and VAN NORTWICK, JJ., CONCUR.