

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2005

GEOFFREY LYNCH,
Appellant,

v.

UNITED DISTRIBUTORS, INC.,
Appellee.

No. 4D04-4764

[December 7, 2005]

SHAHOOD, J.

We reverse the order dismissing appellant's second amended complaint for lack of prosecution pursuant to rule 1.420(e), Florida Rules of Civil Procedure, because there was, on the face of the record, activity within the one-year period, i.e., appellant's notice of compliance with discovery. See Fla. R. Civ. P. 1.420; *Wilson v. Salamon*, 30 Fla. L. Weekly S701 (Fla. Oct. 20, 2005).

Reversed and Remanded.

STEVENSON, C.J., and POLEN, J., concur.

* * *

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Karen Miller, Judge; L.T. Case No. 502001CA 013150XX0CAA.

Ronald J. Zeller of Zeller & Associates, L.L.C., West Palm Beach, for appellant.

Sally Still and Christine D. Hanley of Christine D. Hanley & Associates, P.A., West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.