

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2007*

**REBECCA CANCEL** and **ERNESTO CANCEL**,  
Appellants,

v.

**OLEN PROPERTIES CORP.**, a Florida corporation; **OLEN RESIDENTIAL REALTY CORP.**, a foreign corporation; **JOHN DOE CORP.**, Florida corporations; and **JANE DOE CORP.**, foreign corporations,  
Appellees.

No. 4D06-4582

November 28, 2007

PER CURIAM.

Cancel sued both Olen Properties and Olen Realty under the Florida Civil Rights Act for incidents arising out of her employment. The trial court granted summary judgment to Olen Properties on grounds that it was not her employer, and that the employer was Olen Realty. Cancel worked for Weston Place apartments as a leasing agent. Olen Realty had registered a fictitious name for Weston Place. Cancel, on the other hand, had documents and other evidence indicative that Olen Properties, in other contexts, had acknowledged being her employer.

The record reflects that Olen Properties has failed to conclusively prove the non-existence of genuine issues of material fact on whether it was Cancel's employer. Accordingly, we reverse and remand for further proceedings.

STONE, STEVENSON and HAZOURI, JJ., concur.

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Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Alfred J. Horowitz, Judge; L.T. Case No. 05-11951 25.

Marlowe J. Blake of Marlowe J. Blake, P.A., Hallandale Beach, for appellants.

Gene Reibman, Fort Lauderdale, for Appellee-Olen Properties Corp.

***Not final until disposition of timely filed motion for rehearing***