

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2008

ALLON RICHARDSON and **EVELIN RICHARDSON**,
Appellants,

v.

PLANTATION GENERAL HOSPITAL,
Appellee.

No. 4D07-2032

[March 12, 2008]

DAMOORGIAN, J.

Allon and Evelin Richardson appeal from summary judgment granted in favor of Plantation General Hospital. In its motion, the hospital argued that the language of a general release between appellants and a joint tortfeasor also released the hospital. The record before the trial court unequivocally established by un rebutted evidence that the release and addendum do not and were never intended to release the hospital. *Smith v. Shelton*, 970 So. 2d 450, 451 (Fla. 4th DCA 2007) (construction of a contract is an issue of law subject to de novo review). Therefore, trial court improperly granted Plantation General's motion for summary judgment. *Albelo v. S. Bell*, 682 So. 2d 1126, 1129 (Fla. 4th DCA 1996). We therefore reverse.

Reversed.

KLEIN and HAZOURI, JJ., concur.

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Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Robert Lance Andrews, Judge; L.T. Case No. CACE 03-8599 09.

Warren B. Kwavnick of Cooney, Mattson, Lance, Blackburn, Richards & O'Connor, P.A., Fort Lauderdale, for appellants.

Donna M. Krusbe of Billing, Cochran, Heath, Lyles, Mauro, Anderson

& Ramsey, P.A., West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing