

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2010

TARMAC AMERICA, LLC d/b/a **TARMAC**,
Appellant,

v.

RENATA AVILA, as Personal Representative for the Estate of **CLAUDIA AVILA** on behalf of **FERNANDA AVILA**, **CICERO AVILA** and **RENATA AVILA**, survivors,
Appellees.

No. 4D08-4379

[May 26, 2010]

PER CURIAM.

Affirmed. See Dean v. Rutherford Mulhall, P.A., 16 So. 3d 284 (Fla. 4th DCA 2009).

GROSS, C.J., STEVENSON and CIKLIN, JJ., concur.

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Appeal and cross-appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; John J. Hoy, Judge; L.T. Case No. 502004CA009486XXXXMB.

Robert E. Biasotti and Stephanie Zimmerman of Carlton Fields, P.A., St. Petersburg, for appellant.

Marc A. Wites of Wites & Kapetan, P.A., Lighthouse Point, for appellee Renata Avila.

Not final until disposition of timely filed motion for rehearing.