

Third District Court of Appeal

State of Florida

Opinion filed October 21, 2015.
Not final until disposition of timely filed motion for rehearing.

No. 3D14-2691
Lower Tribunal No. 13-05284 CA 06

Solo Aero Corp.,
Appellant,

vs.

America-CV Network, LLC and America-CV Station Group, Inc.,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Hon. David C. Miller, Judge.

James E. McDonald, for appellant.

David M. Rogero, for appellee.

Before SHEPHERD, EMAS, and LOGUE, JJ.

LOGUE, J.

Solo Aero Corp. seeks review of the trial court’s entry of summary judgment in favor of America-CV, LLC, and America-CV Station Group, Inc. “Summary judgment is proper if there is no genuine issue of material fact and if the moving party is entitled to a judgment as a matter of law.” Volusia Cnty. v. Aberdeen at Ormond Beach, L.P., 760 So. 2d 126, 130 (Fla. 2000). Here, the record demonstrates the existence of genuine issues of material fact. Because the record reflects genuine issues of material fact, we conclude that the trial court improperly granted summary judgment and reverse. Id.¹

Reversed and remanded for further proceedings.

¹ In its brief, Solo Aero Corp. also sought review of the denial of its own motion for summary judgment. We do not reach this issue because it is not properly before this court. See Taggart v. Morgan, 943 So. 2d 250, 250 (Fla. 3d DCA 2006) (“The rules of appellate procedure do not permit interlocutory appeals of non-final orders denying motions for summary judgment.”) (citing Fla. R. App. P. 9.130 (a)(3)).