

Third District Court of Appeal

State of Florida, January Term, A.D. 2011

Opinion filed March 09, 2011.

Not final until disposition of timely filed motion for rehearing.

No. 3D10-772

Lower Tribunal No. 08-4148

Total Signs & Lighting, Inc.,
Appellant,

vs.

Gary Barrios,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, William Thomas, Judge.

Vernis & Bowling and David W. Grossman; Hicks, Porter Ebenfeld & Stein, Mark Hicks and Erik P. Bartenhagen, for appellant.

Lawrence J. McGuinness; Roberto Villasante, for appellee.

Before, SHEPHERD and LAGOA, JJ., and SCHWARTZ, Senior Judge.

PER CURIAM.

Because the appellant-defendant-employer was entitled to workers' compensation immunity from common law liability to the appellee-employee for injuries in a construction accident as a matter of law, see sections 440.02(15)(c)(3); 440.11(1), Fla. Stat. (2006), the trial court should have granted the defendant's motion for directed verdict below. The judgment under review in appellee's favor is therefore reversed and the cause remanded with directions to enter one for the appellant.

Reversed and remanded.