

# Third District Court of Appeal

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

Opinion filed January 19, 2011.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D10-1937  
Lower Tribunal No. 06-9158

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**Melvina Fouad Abou Waked,**  
Appellant,

vs.

**Jean Ibrahim Feghali,**  
Appellee.

An Appeal of a non-final order from the Circuit Court for Miami-Dade County, John Schlesinger, Judge.

Rex E. Russo, for appellant.

Eliot R. Weitzman; Orshan, Lithman, Seiden, Ramos, Hatton, Huesmann & Fajardo, and Robert P. Lithman, for appellee.

Before RAMIREZ, C.J., and SUAREZ and ROTHENBERG, JJ.

SUAREZ, J.

The Appellant, Melvina Fouad Abou Waked, defendant below, seeks to reverse a non-final order denying her motion for summary judgment against her husband, Jean Ibrahim Feghali. We dismiss the appeal because the order from

which this appeal is taken is not an appealable non-final order pursuant to Florida Rule of Appellate Procedure 9.130(a)(3)(c). See, e.g., Vanco Constr. v. Nucor, 378 So. 2d 116 (Fla. 1980) (holding that an order denying a motion for summary judgment is not an appealable non-final order pursuant to rule 9.130).<sup>1</sup>

Dismissed.

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<sup>1</sup> We recommend that the lower court address the issue of subject matter jurisdiction before proceeding further in this case to determine interest in real property allegedly acquired during the marriage between two foreign nationals.