

Third District Court of Appeal

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

Opinion filed May 18, 2011.

Not final until disposition of timely filed motion for rehearing.

No. 3D10-3023

Lower Tribunal No. 10-36905

Carlos A. Segura, et al.,
Appellants,

vs.

Fernando Segura Rodriguez, et al.,
Appellees.

On Petition for Writ of Certiorari to the Circuit Court for Miami-Dade County, Pedro P. Echarte, Jr., Judge.

Dunwody White & Landon and Jack A. Falk, Jr., and Jeremy P. Leathe; Shutts & Bowen and Candice Mancs and Jonathan Cohen, for appellants.

Elizabeth K. Russo and Susan S. Lerner; Beasley & Demos, for appellees.

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

PER CURIAM.

The petition for writ of certiorari is dismissed. See Parkway Bank v. Fort Myers Armature Works, Inc., 658 So. 2d 646, 649 (Fla. 2d DCA 1995) (“[J]ust as an appellant must establish that a nonfinal order falls within one of the authorized categories in Florida Rule of Appellate Procedure 9.130 before this court has the power to review the merits of the nonfinal order by appeal, a petitioner must establish that an interlocutory order creates material harm irreparable by postjudgment appeal before this court has power to determine whether the order departs from the essential requirements of the law. If the jurisdictional prongs of the standard three-part test [(1) a departure from the essential requirements of the law, (2) resulting in material injury for the remainder of the trial (3) that cannot be corrected on postjudgment appeal] are not fulfilled, then the petition should be dismissed rather than denied.”).