

Third District Court of Appeal

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

Opinion filed January 31, 2011.

Not final until disposition of timely filed motion for rehearing.

No. 3D11-111
Lower Tribunal No. 10-615

Guy Blain,
Petitioner,

vs.

Maria Blain,
Respondent.

A Case of Original Jurisdiction – Prohibition.

Louis C. Arslanian, (Hollywood), for petitioner.

Kim A. Marjenhoff, (Fort Lauderdale), for respondent.

Before SHEPHERD, LAGOA, and EMAS, JJ.

PER CURIAM.

Denied. See Select Builders of Fla., Inc. v. Wong, 367 So. 2d 1089, 1091 (Fla. 3d DCA 1979) (“[W]e find the court to be correct in striking the voluntary

dismissal and reinstating the matter to prevent a fraud on the court.”); accord Tobkin v. State, 777 So. 2d 1160, 1163-64 (Fla. 4th DCA 2001) (“Florida courts have determined that this right to dismiss [voluntarily] is almost absolute. An exception to this absolute right arises where the party taking the voluntary dismissal perpetrates a fraud on the court.”) (citations omitted).