

# **Third District Court of Appeal**

**State of Florida, July Term, A.D. 2011**

Opinion filed November 23, 2011.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D11-382  
Lower Tribunal No. 08-823

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**Thomas Neary,**  
Appellant/Cross-Appellee,

vs.

**The City of Key West, Florida, a Florida Municipal Corporation,**  
Appellee/Cross-Appellant.

An Appeal from the Circuit Court for Monroe County, Luis M. Garcia,  
Judge.

Michael R. Barnes, (Key West) for appellant/cross-appellee.

Shawn D. Smith, Key West City Attorney, (Key West) for appellee/cross-  
appellant.

Before WELLS, C.J., and SHEPHERD, and EMAS, JJ.

PER CURIAM.

Affirmed.