

Third District Court of Appeal

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

Opinion filed October 26, 2011.

Not final until disposition of timely filed motion for rehearing.

No. 3D11-1874

Lower Tribunal No. 03-12769

Newport Operating Corp., a Florida corporation,
Appellant,

vs.

Westgate Miami Beach, LTD., a Florida limited partnership,
Appellee.

An appeal from a non-final order from the Circuit Court for Miami-Dade County, David C. Miller, Judge.

Arnstein & Lehr and Franklin Zemel and Alan L. Raines (Fort Lauderdale),
for appellant.

Robert P. Frankel & Associates and Robert P. Frankel, for appellee.

Before RAMIREZ, SUAREZ, and SALTER, JJ.

SUAREZ, J.

We treat the petition for writ of certiorari as an appeal pursuant to Florida Rule of Appellate Procedure 9.130(a)(4). We reverse the order of the trial court. See Moffatt & Nichol, Inc. v. B.E.A. Int'l Corp., Inc., 48 So. 3d 896 (Fla. 3d DCA 2010).

Reversed and remanded.