

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JANUARY TERM 2008

TRANSFORMED PROPERTIES, INC.,

Petitioner,

v.

Case No. 5D07-3375

ANTHONY J. MARTOCCIA AND
VICKIE J. MARTOCCIA,

Respondent.

_____ /

Decision filed April 4, 2008

Petition for Certiorari Review of Order
from the Circuit Court for Seminole County,
John Galluzzo, Judge.

James W. Markel, of Graham, Builder,
Jones, Pratt & Marks, LLP, Winter Park,
and Michael J. Rosenberg, Goldenrod,
and Thomas E. Pryor, Jr., Orlando, for
Petitioner.

Albert E. Ford, II, of Albert E. Ford, II, P.A.,
Longwood, for Respondent.

PER CURIAM.

DENIED.

EVANDER and COHEN, J.J., concur.
GRIFFIN, J., concurring specially, with opinion.

Although I agree with petitioner's characterization of respondent's legal position as expressed in the answer brief as being more bombastic than legal, I nevertheless concur in the denial of certiorari. Mr. Kirby, as president of the corporate plaintiff, executed the settlement agreement. It may be that Mr. Kirby understood, or even that everyone understood, that the mediation agreement would not bind the corporation until Mr. Roark had executed it, but if that were a contingency to the effectiveness of the agreement, it should have been made part of the agreement. On its face, the document is legally sufficient to bind the corporation.