IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FIFTH DISTRICT JULY TERM 2008

DOLGENCORP, INC.,

Appellant,

v. Case No. 5D07-3384

WINN-DIXIE STORES, INC.,

Appellee.

Opinion filed September 2, 2008

Non Final Appeal from the Circuit Court for Osceola County, R. James Stroker, Judge.

Michael V. Elsberry and Rebecca E. Segrest of Lowndes, Drosdick, Doster, Kantor & Reed, P.A., Orlando, for Appellant.

Thomas E. Warner, Dean A. Morande and Jason R. Alderman of Carlton Fields, P.A., West Palm Beach, for Appellee.

PER CURIAM.

AFFIRMED. See Winn-Dixie Stores, Inc. v. Dolgencorp, Inc., 964 So. 2d 261 (Fla. 4th DCA 2007); Hatfield v. AutoNation, Inc., 939 So. 2d 155, 157 (Fla. 4th DCA 2006).

GRIFFIN, TORPY and EVANDER, JJ., concur.