

IN THE DISTRICT COURT OF  
APPEAL  
FIRST DISTRICT, STATE OF  
FLORIDA

RICK GEORGE, a Florida citizen; and  
SOTAV, INC., a Florida corporation,

Appellants,

v.

FRED TAYLOR, a Florida citizen,

Appellee.

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NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

CASE NO. 1D03-2513

Opinion filed September 27, 2004.

An appeal from Circuit Court for Duval County.

Hugh A. Carithers, Jr., Judge.

Frederick R. Brock of Gartner, Brock and Simon, Jacksonville, for Appellants.

Lance A. Harke, P.A. and David J. Maher of Harke & Clasby LLP, Miami, for  
Appellee.

PER CURIAM.

The appellants challenge a summary final judgment and final judgment entered  
in favor of the appellee. Because a number of material facts remain in dispute, and  
because the appellee has not offered proof conclusively refuting the appellants'

affirmative defenses, see, e.g., Fasano v. Hicks, 667 So. 2d 1033 (Fla. 2d DCA 1996),

the orders under review are reversed and this case is remanded.

ERVIN, ALLEN and HAWKES, JJ., CONCUR.