

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

OSBORNE J. HART,

Appellant,

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

v.

CASE NO. 1D03-2892

PEOPLES GAS SYSTEM, a
Florida Corporation, BERMAN
BROTHERS, a Florida
Corporation, MILTON BERMAN,
Individually, and FLORENCE
BERMAN, as Personal
Representative of the Estate of
HARRY W. BERMAN, Deceased,

Appellee.

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Opinion filed September 26, 2003.

An appeal from the Circuit Court for Duval County.

L. Haldane Taylor, Judge.

Donald W. St. Denis, Brett A. Hastings and John J. Glenn of Anderson Law
Offices, Jacksonville, for Appellant.

Timothy McDermott of Akerman, Senterfitt & Eidson, Jacksonville; Frank Hession
of Matthews & Hession, Jacksonville; and Pedro F. Bajo, Jr., of Akerman,
Senterfitt & Eidson, Tampa, for Appellee.

PER CURIAM.

Upon consideration of the appellant's response to the Court's show cause

order of July 24, 2003, the Court has determined that the order on appeal, an order granting a motion to dismiss one count of a multi-count complaint, is not a final order. See Benton v. Moore, 655 So. 2d 1272, 1273 (Fla. 1st DCA 1995); S.L.T. Warehouse Co. v. Webb, 304 So. 2d 97, 100 (Fla. 1974). Accordingly, the appeal is hereby dismissed for lack of jurisdiction. The appellant's request for an extension of time within which to file the docketing statement is denied as moot.

DISMISSED.

BARFIELD, BENTON and VAN NORTWICK, JJ., CONCUR.