

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

WILLIAM R. DEMPSEY,  
LINDA S. DEMPSEY, f/k/a  
LINDA A. STILLMAN, and  
GIGI DEMPSEY,

Appellants,

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

CASE NO. 1D05-5806

v.

PHILIP LEE RUSSELL, d/b/a  
RUSSELL HOME BUILDERS,  
MICHAEL QUINN SARRA  
d/b/a ALL SEASONS SERVICE  
NETWORK,

Appellees.

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Opinion filed March 23, 2006.

An appeal from the Circuit Court for Escambia County.  
Jan Shackelford, Judge.

Shari Thieman Green of Lisa S. Minshew, P.A., Pensacola, for Appellants.

George W. Hatch of Kubicki Draper, Tallahassee; Linda Hohlt Wade of Schofield & Wade, Pensacola; and L. L. Roane, III, of Scofield, Wade, Roane & Shoemaker, P.A., Pensacola, for Appellees.

PER CURIAM.

The appellants brought this appeal seeking review of an “Order on Defendant’s Motion for Summary Judgment.” This order granted the motion for summary

judgment as to certain counts of the complaint but denied the motion as to another count. The order did not enter judgment on the motion and is not an appealable order. Dixon v. Allstate Ins. Co., 609 So. 2d 71 (Fla. 1st DCA 1992); Wyatt v. National Bank of Commerce, 859 So. 2d 629 (Fla. 1st DCA 2003). Further, it is not clear whether the order on appeal would be appealable as a partial final judgment even had it entered judgment because it is not clear that it disposed of a separate and distinct cause of action. Odham v. Mouat, 484 So. 2d 95, 96 (Fla. 1st DCA 1986).

DISMISSED.

KAHN, C.J., LEWIS and POLSTON, JJ., CONCUR.