

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

MITRI FREIHA, FORMER
HUSBAND,

Appellant,

v.

ROULA FREIHA, FORMER
WIFE,

Appellee.

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

CASE NO. 1D15-1695

Opinion filed August 4, 2015.

An appeal from an order of the Circuit Court for Duval County.
Charles W. Arnold, Judge.

William S. Graessle and Jonathan W. Graessle, Jacksonville, for Appellant.

Rebecca Bowen Creed, of Creed & Gowdy, P.A., Jacksonville, for Appellee.

PER CURIAM.

The Court has determined that the Final Judgment of Dissolution of Marriage is not a final order. See Hoffman v. O'Connor, 802 So. 2d 1197 (Fla. 1st DCA 2002); see also Fowler v. Fowler, 40 Fla. Law Weekly D1145 (Fla. 1st DCA May 15, 2015) (dismissing as premature appeal of non-final Partial Final Judgment of Dissolution of Marriage where judgment reserved jurisdiction to expend

additional judicial labor over non-collateral issues of child support and parental responsibility); Starling v. Starling, 146 So. 3d 538 (Fla. 1st DCA 2014) (dismissing as premature appeal from final judgment of dissolution of marriage determined to be a non-final order); Wright v. Wright, 82 So. 3d 1064 (Fla. 1st DCA 2011) (dismissing as premature appeal from final judgment of dissolution of marriage which retained jurisdiction over integrally related issues). Accordingly, the appeal is dismissed as premature. The dismissal is without prejudice to file a notice of appeal upon rendition of a final order.

LEWIS and WINOKUR, JJ., CONCUR. MAKAR, J., DISSENTS WITH OPINION.

MAKAR, J., DISSENTING.

I would grant appellant's unopposed motion and extend until September 1, 2015, the time to obtain a final appealable order from the lower tribunal. Though the interests of a minor are involved, one with special needs, it appears the child's care is addressed in the final judgment and neither party deems time of the essence. Allowing one last opportunity to resolve the distribution of the parties' remaining personal property (as addressed in paragraph BB of the final judgment) with the newly assigned judge results in no prejudice.