

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2009*

**ARLENE PECORA,**  
Petitioner,

v.

**SIGNATURE GARDENS, LTD.**, a Florida limited partnership; **DEUX MICHEL, INC.**, a Florida corporation; **SIGNATURE GRAND, LTD.**, a Florida limited partnership; and **GRAND PARTNERS, INC.**, a Florida corporation,  
Respondents.

No. 4D09-1192

[December 9, 2009]

PER CURIAM.

Arlene Pecora appeals the Broward Circuit Court's non-final order "abating" her action pending resolution of a parallel receivership proceeding in Miami-Dade County.<sup>1</sup> An order abating or staying an action pending disposition of another action is not a reviewable non-final order. See *REWJB Gas Invs. v. Land O'Sun Realty, Ltd.*, 645 So. 2d 1055 (Fla. 4th DCA 1994); *Hedin v. Indian River County*, 610 So. 2d 715 (Fla. 4th DCA 1992). We treat the appeal as a petition for writ of certiorari and deny the petition in light of the Third District's per curiam affirmance of the Miami-Dade Circuit Court's jurisdiction, see *Pecora v. Berlin*, Nos. 3D09-1343 & 3D09-594, 2009 WL 3466089 (Fla. 3d DCA Oct. 28, 2009), and leave undisturbed the "abatement" of the petitioner's action in Broward County.

*Petition denied.*

---

<sup>1</sup>Although the trial court designated its order as an abatement, the order was effectively a stay, as it did not terminate the action. See *Century Sur. Co. v. de Moraes*, 998 So. 2d 662, 663 n.1 (Fla. 4th DCA 2009) ("Abatement has been utilized to terminate one of two actions pending simultaneously which involve the same parties and the same issues. A stay, by contrast, essentially postpones one proceeding until a contingency occurs.").

WARNER, LEVINE, JJ., and MCCANN, JAMES W., Associate Judge, concur.

\* \* \*

Petition for writ of certiorari to the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Jeffrey E. Streitfeld, Judge; L.T. Case No. 09-232 19.

Nancy W. Gregoire of Kirschbaum, Birnbaum, Lippman & Gregoire, PLLC, Fort Lauderdale, and Steven M. Katzman of Katzman, Wasserman, Bennardini & Rubinstein, P.A., Boca Raton, for petitioner.

Glenn J. Waldman and William E. Calnan of Waldman Trigoboff Hildebrandt Marx & Calnan, P.A., Weston, for respondents.

G. Bart Billbrough of Billbrough & Marks, P.A., Coral Gables, for intervener Bret Berlin, as Personal Representative of the Estate of Jerome Berlin.

***Not final until disposition of timely filed motion for rehearing.***