

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2011

PAUL POMFRET and PDP CAPITAL, LLC,
Appellants,

v.

JOHN ATKINSON and PDP MANAGEMENT L.P.,
Appellees.

No. 4D09-1708

[February 23, 2011]

***ON MOTION FOR REHEARING AND MOTION FOR ISSUANCE OF
WRITTEN OPINION***

PER CURIAM.

Appellant timely filed a motion for rehearing and request for issuance of a written opinion. We deny the motion for rehearing but grant appellant's motion for issuance of a written opinion. Accordingly, we withdraw our previous opinion and substitute the following.

Affirmed. See DelMonico v. Traynor, 50 So. 3d 4 (Fla. 4th DCA 2010).

TAYLOR and CIKLIN, JJ. and TOWBIN SINGER, MICHELE, Associate Judge,
concur.

* * *

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Thomas H. Barkdull, III, Judge; L.T. Case No. 502004CA010148XXXXMB.

Alan B. Rose, L. Louis Mrachek, Roy E. Fitzgerald and Stefanie R. Shelley of Page, Mrachek, Fitzgerald & Rose, P.A., West Palm Beach, for appellants.

Jane Kreuzler-Walsh of Kreuzler-Walsh, Compiani & Vargas, P.A., West Palm Beach, Bernard A. Lebedeker of Burman, Critton, Luttier & Coleman, West Palm Beach, and Robert S. McIntosh of Adorno & Yoss,

LLP, Fort Lauderdale, for appellees.