

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2010

ETHEL BENDER,
Appellant,

v.

F.H.C.S., INC., a Florida Corporation, dba **CAREGIVERS OF AMERICA,**
Appellee.

No. 4D10-3152

[October 27, 2010]

PER CURIAM.

Upon concession of error based upon this court's recent opinion in *Bender v. CareGivers of America, Inc.*, 42 So. 3d 893 (Fla. 4th DCA 2010), we reverse the summary final judgment and remand for further proceedings.

GROSS, C.J., WARNER and LEVINE, JJ., concur.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Richard D. Eade, Judge; L.T. Case No. 08-17200 (05).

Ben Murphey of Lawlor Winston, LLP, Fort Lauderdale, for appellant.

Jacqueline Emanuel of Knoerr & Emanuel, P.A., Fort Lauderdale, for appellee.

Not final until disposition of timely filed motion for rehearing.