

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

REYNOLDS VENTURES, INC., a)
Florida corporation,)
)
Appellant,)
)
v.)
)
)
ROY SARGENT; UNKNOWN SPOUSE)
OF ROY SARGENT; and LYNN)
GILBERT, individually,)
)
Appellees.)
_____)

Case No. 2D19-888

Opinion filed May 22, 2020.

Appeal pursuant to Fla. R. App. P.
9.130 from the Circuit Court for Lee
County; Robert Branning, Judge.

Christopher D. Donovan of Roetzel &
Andress, LPA, Naples; and Lori L.
Moore of Roetzel & Andress, LPA, Fort
Myers, for Appellant Reynolds
Ventures, Inc.

Jack C. Morgan, III, of Aloia, Roland,
Lubell & Morgan, PLLC, Fort Myers, for
Appellee, Roy Sargent.

No appearance for remaining
Appellees.

PER CURIAM.

Reynolds Ventures, Inc., appeals the order dismissing its three-count
complaint, without prejudice, and granting leave to amend. Reynolds Ventures obtained

a claim of lien for improvements made to property then owned by Lynn Gilbert. After Gilbert quit-claimed the property to Roy Sargent and his spouse, Reynolds Ventures attempted to foreclose the claim of lien and filed a lawsuit, alleging breach of contract against Gilbert and unjust enrichment against Gilbert, Sargent, and Sargent's spouse.

The trial court granted Gilbert's motion to dismiss and granted Reynolds Ventures leave to amend its complaint. We dismiss this appeal for lack of jurisdiction because the interlocutory order of dismissal below is a nonfinal, nonappealable order. See Fla. R. App. P. 9.130; Hancock v. Piper, 186 So. 2d 489, 489-490 (Fla. 1966) (holding order dismissing complaint with leave to amend "did not dismiss the cause and lacked the requisite finality to relieve the court of further judicial labor"); Deutsche Bank Nat'l. Tr. Co. v. Plageman, 133 So. 3d 1199, 1200 (Fla. 2d DCA 2014); Bishop v. Kelly, 404 So. 2d 1149, 1149 (Fla. 5th DCA 1981). Reynolds Ventures is not foreclosed from attempting to amend its complaint to allege a cause of action. See Potts v. Potts, 615 So. 2d 695, 697 (Fla. 2d DCA 1992). Dismissal of this appeal is without prejudice to Reynolds Ventures' right to appeal a final order disposing of the case.

BLACK, LUCAS, and SMITH, JJ., Concur.