

IN THE SECOND DISTRICT COURT OF APPEAL, LAKELAND, FLORIDA

May 9, 2008

FAMILY EXTENDED CARE OF WINTER	)	
HAVEN, INC.; et al.,	)	
	)	
Appellants,	)	
	)	
v.	)	Case Nos. 2D07-3561
	)	2D07-3882
CECILE PION, etc.,	)	
	)	
Appellee.	)	<u>CONSOLIDATED</u>
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Upon consideration of the Appellants' motion for rehearing filed March 19, 2008, it is

ORDERED that the Appellants' motion for rehearing is granted to the extent that the opinion filed March 5, 2008, is withdrawn and the following revised opinion is substituted therefor. In all other respects, Appellants' motion is denied. Appellants' motion in the alternative for written opinion is denied.

Appellants' motion for rehearing en banc is denied. No further motions for rehearing will be entertained.

I HEREBY CERTIFY THE FOREGOING IS A TRUE COPY OF THE ORIGINAL COURT ORDER.

JAMES R. BIRK HOLD, CLERK

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

FAMILY EXTENDED CARE OF WINTER )  
HAVEN, INC.; FAMILY EXTENDED )  
CARE, INC.; UNITED CEREBRAL PALSY )  
ASSOCIATION OF MIAMI, a/k/a UCPA OF )  
MIAMI, a/k/a UNITED CEREBRAL PALSY )  
ASSOCIATION OF MIAMI, INC.; ELIZABETH )  
M. BATY, LINDA F. STEFFKE, YOLANDA )  
KENT, and KATHLEEN R. WHITEHURST )  
(as to THE HAWTHORNE INN, a/k/a )  
HAWTHORNE INN OF WINTER HAVEN, )  
a/k/a FAMILY EXTENDED CARE OF )  
WINTER HAVEN, INC., d/b/a HAWTHORNE )  
INN); and DAVID ROBERT COWAN )  
and NANCY ANN CARTER (as to THE )  
HAWTHORNE INN, a/k/a HAWTHORNE )  
INN OF WINTER HAVEN, a/k/a FAMILY )  
EXTENDED CARE OF WINTER HAVEN, )  
INC., d/b/a HAWTHORNE INN), )  
)  
Appellants, )  
)  
v. )  
)  
CECILE PION, as Plenary Guardian of the )  
Person and Property of Jeannette D. Olivier, )  
an incapacitated person, )  
)  
Appellee. )  
\_\_\_\_\_ )

Case Nos. 2D07-3561  
2D07-3882

CONSOLIDATED

Opinion filed May 9, 2008.

Appeal from nonfinal order of the Circuit  
Court for Polk County; James Michael  
Hunter, Judge.

Christopher B. Hopkins and Allison S. Bernstein of Cole, Scott & Kissane, P.A., West Palm Beach; and Leonard D. Blumenthal and Daniel J. Koleos of Koleos, Rosenberg & Doyle, Plantation, for Appellants.

Susan B. Morrison of Law Offices of Susan B. Morrison, P.A., Tampa; and Isaac R. Ruiz-Carus of Wilkes & McHugh, P.A., Tampa, for Appellee.

PER CURIAM.

Affirmed. See In re Estate of McKibbin, 33 Fla. L. Weekly D254 (Fla. 2d DCA Jan. 18, 2008).

ALTENBERND, SILBERMAN, and WALLACE, JJ., Concur.