

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JOHN M. NASSIF, M.D.,)

Appellant,)

v.)

Case No. 2D08-38

EDWARD CLARK SHEDDEN and)
JONATHAN M. FRANTZ, M.D., P.A., d/b/a)
FLORIDA EYE HEALTH,)

Appellees.)
_____)

Opinion filed June 6, 2008.

Appeal from nonfinal order of the Circuit
Court for Lee County; Lynn Gerald, Jr.,
Judge.

Jason M. Azzarone of Stephens, Lynn,
Klein, LaCava, Hoffman & Puya, P.A.,
Tampa, for Appellant.

Celene Humphries of Swope, Rodante P.A.,
Tampa, for Appellee Edward Clark Shedden.

No appearance for Appellee Jonathan M.
Frantz, M.D., P.A., d/b/a Florida Eye
Health.

SILBERMAN, Judge.

John M. Nassif, M.D., challenges an order denying his motion to dismiss
or compel arbitration as to Edward Clark Shedden's medical malpractice claim against

him. In his motion, Dr. Nassif sought to compel arbitration based on the same arbitration agreements and the same grounds relied on by his codefendant, Jonathan M. Frantz, M.D., P.A., d/b/a Florida Eye Health. This court recently reversed the trial court's denial of Dr. Frantz's motion to stay litigation and compel arbitration in Frantz v. Shedden, 974 So. 2d 1193 (Fla. 2d DCA 2008), and the result in the present case is controlled by our decision in Frantz. Accordingly, we reverse the order denying Dr. Nassif's motion to dismiss or compel arbitration and remand for referral of Mr. Shedden's claim against Dr. Nassif to arbitration.

NORTHCUTT, C.J., and FULMER, J., Concur.