

IN THE SECOND DISTRICT COURT OF APPEAL, LAKELAND, FLORIDA

December 28, 2001

MAYRA ALVAREZ and MIGUEL ALVAREZ,)
)
Appellants,)
)
v.)
)
FOOD LION, INC., a foreign corporation,)
)
Appellee.)
_____)

Case No. 2D00-4656

BY ORDER OF THE COURT:

Upon its own motion, this court granted rehearing in this case. The opinion dated October 31, 2001, is withdrawn, and the attached opinion is substituted therefor.

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

JAMES BIRKHOLO, CLERK

c: Esther E. Galicia
Arnold R. Ginsberg

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

MAYRA ALVAREZ and)	
MIGUEL ALVAREZ,)	
)	
Appellants,)	
v.)	Case No. 2D00-4656
)	
FOOD LION, INC., a foreign)	
corporation,)	
)	
Appellee.)	
_____)	

Opinion filed December 28, 2001.

Appeal from the Circuit Court for Collier
County; Hugh D. Hayes, Judge.

Arnold R. Ginsberg of Ginsberg & Schwarz
Miami, and Andy M. Custer, Lake Worth, for
Appellants.

Esther E. Galicia and Valencia Y. Stubbs of
George Hartz Lundeen Fulmer Johnstone
King & Stevens, Fort Lauderdale, for
Appellee.

CASANUEVA, Judge.

The trial court entered summary judgment in favor of defendant Food Lion,

Inc., and against plaintiffs Mayra Alvarez and Miguel Alvarez in this personal injury action involving a slip and fall in a grocery store. At the time summary judgment was entered the trial court did not have the benefit of the Florida Supreme Court's decision in Owens v. Publix Supermarkets, Inc., 26 Fla. L. Weekly S756a (Fla. Nov. 15, 2001). Accordingly, we reverse and remand for reconsideration in light of Owens.

Reversed and remanded.

ALTENBERND, A.C.J., and WHATLEY, J., Concur.