

Third District Court of Appeal

State of Florida

Opinion filed April 26, 2017.
Not final until disposition of timely filed motion for rehearing.

No. 3D16-1169
Lower Tribunal No. 14-30583

Claudio Lisman, an individual,
Appellant,

vs.

**Jose Sanchez Guilloid, an individual, and Maria de las Mercedes
Santamaria de Sanchez, an individual,**
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Antonio Marin,
Judge.

Genovese Joblove & Battista, and Armando Lacasa, Jesus M. Suarez, and
Jessica Serell Erenbaum, for appellant.

Luis Fernandez, for appellees.

Before ROTHENBERG, FERNANDEZ, and LUCK, JJ.

On Partial Confession of Error

PER CURIAM.

The plaintiff below, Claudio Lisman, appeals from a final order granting the defendants' motion to dismiss his operative complaint with prejudice.¹ Although we find no merit in the plaintiff's argument regarding the dismissal of the operative complaint, based on the defendants' proper confession of error, we reverse the portion of the order dismissing with prejudice the plaintiff's counts for breach of contract, breach of fiduciary duty, conversion, and unjust enrichment, and remand for the entry of an order allowing the plaintiff to amend these counts.

Affirmed in part; reversed in part; and remanded with instructions.

¹ The plaintiff's operative complaint included five counts—breach of contract, breach of fiduciary duty, conversion, unjust enrichment, and fraud. The plaintiff, however, is not appealing the dismissal of the fraud count. Thus, this opinion relates solely to the four other counts.