

# Third District Court of Appeal

State of Florida

Opinion filed January 18, 2017.

Not final until disposition of timely filed motion for rehearing.

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No. 3D16-2658

Lower Tribunal No. 13-25314

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**Lowe's Home Centers, Inc.,**

Petitioner,

vs.

**Orlando Duque,**

Respondent.

On Petition for Writ of Certiorari from the Circuit Court for Miami-Dade County, Norma S. Lindsey, Judge.

Vernis & Bowling of Miami, P.A. and Andrew W. Bray; Berger Singerman LLP and Frank Scruggs and Lara O'Donnell Grillo (Ft. Lauderdale), for petitioner.

Mark D. Press, P.A. and Mark D. Press; Ansel & Miller, P.A. and Eric Ansel (Hollywood), for respondent.

Before SUAREZ, C.J., and LAGOA and SCALES, JJ.

SUAREZ, C.J.

Lowe's Home Centers, Inc. petitions for writ of certiorari, seeking to quash the trial court's grant of the Plaintiff's, Orlando Duque's, motion for rehearing and

clarification of the summary judgment order in Lowe's favor, and the trial court's subsequent vacation of its summary judgment order and setting the cause for trial. We deny the petition. The trial court's order is not a departure from the essential requirements of law for which there is no adequate remedy on appeal.

Petition denied.