

Third District Court of Appeal

State of Florida

Opinion filed September 06, 2017.
Not final until disposition of timely filed motion for rehearing.

Nos. 3D16-2892 & 3D16-2696
Lower Tribunal Nos. 16-19417 & 16-3466

Nooi Koe, et al.,
Appellants,

vs.

Citizens Property Insurance Corporation,
Appellee.

Appeals from the Circuit Court for Miami-Dade County, Michael A. Hanzman, Judge.

Barnard Law Offices, L.P., and Andrew C. Barnard and Keller F. Fisher, for appellants.

Methe & Rockenbach, and Kara Berard Rockenbach and Kristi Bergemann Rothell (West Palm Beach), for appellee.

Before ROTHENBERG, C.J., and SALTER and LINDSEY, JJ.

ROTHENBERG, C.J.

Upon the Court's own motion, we dismiss these two consolidated appeals for lack of jurisdiction. The trial court's orders dismiss with prejudice the Appellants' declaratory judgment claims and a reformation claim in the operative complaints. Appellants primarily rely on Florida Rule of Appellate Procedure 9.110(k) for the proposition that these orders are appealable as partial final judgments. However, contrary to the appellants' contentions, these orders do not amount to partial final judgments under rule 9.110(k) because interrelated claims involving the same parties and underlying facts in both cases remain pending below. Universal Underwriters Ins. Co. v. Stathopoulos, 113 So. 3d 957, 959 (Fla. 2d DCA 2013) ("Because the amended complaint reflects that the three counts are based on the same facts and are intertwined, we conclude that allowing an appeal of the declaratory count at this stage would foster impermissible piecemeal review."); Gonzalez v. Best Meridian Inter. Ins. Co., 12 So. 3d 232 (Fla. 3d DCA 2009) ("Florida Rule 9.110(k) 'only applies to partial judgments which are unrelated to the remaining portions of the case.'") (citing Hallock v. Holiday Isle Resort & Marina, Inc., 885 So. 2d 459, 461-62 (Fla. 3d DCA 2004)). We also find the appellants' remaining arguments regarding jurisdiction to be without merit, and therefore, we decline to discuss them further.

Dismissed.