

Third District Court of Appeal

State of Florida

Opinion filed January 24, 2018.

No. 3D16-2433

Lower Tribunal No. 16-9357

LBMP Holdings, LLC, and AJK 21st Street, LLC,
Appellants,

vs.

Biarritz GH, LLC, and JHMB, LLC,
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Jorge E. Cueto, Judge.

The Alderman Law Firm and Jason R. Alderman, and Troy A. Tolentino; Alonso Appeals and Cristina Alonso (Pembroke Pines); Broad and Cassel and Christina Lehm and Beverly A. Pohl (Fort Lauderdale) and Amy Steele Donner and Mark F. Raymond, for appellants.

Kluger, Kaplan, Silverman, Katzen & Levine, and Alan J. Kluger and Josh M. Rubens; Samson Appellate Law and Daniel M. Samson, for appellees.

Before SUAREZ, LAGOA and SALTER, JJ.

PER CURIAM.

On Concession of Error

Based on the appellees' proper and commendable concession of error, the circuit court order dismissing the appellants' counterclaim with prejudice is reversed. Dismissal was error because the appellants were not duly noticed or provided with an opportunity to be heard. This case is remanded for further proceedings, including consideration of any motion by appellants to amend the counterclaim, should the appellants so move.

Reversed and remanded for further proceedings.