

Third District Court of Appeal

State of Florida

Opinion filed March 27, 2019.
Not final until disposition of timely filed motion for rehearing.

No. 3D18-456
Lower Tribunal No. 04-18600

Nilo Hernandez,
Appellant,

vs.

Tamara Garcia,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Marcia Del Rey,
Judge.

Wasson & Associates, Chartered, and Annabel C. Majewski, for appellant.

Bofill Law Group, and Jose C. Bofill, for appellee.

Before EMAS, C.J., and LOGUE and HENDON, JJ.

PER CURIAM.

ON APPELLEE’S MOTION TO DISMISS

We grant appellee’s motion and dismiss this appeal as one taken from a nonfinal, nonappealable order. See, e.g., M.M. v. Fla. Dep’t of Children & Families, 189 So. 3d 134, 137 (Fla. 2016) (observing that “[a]n appeal from a final order is appropriate when judicial labor has ended”); S.L.T. Warehouse Co. v. Webb, 304 So. 2d 97, 99 (Fla. 1974) (noting: “Generally, the test employed by the appellate court to determine finality of an order, judgment or decree is whether the order in question constitutes an end to the judicial labor in the cause, and nothing further remains to be done by the court to effectuate a termination of the cause as between the parties directly affected.”) This dismissal is without prejudice to the filing of a proper and timely appeal from a final, appealable order. Given this disposition, we do not reach the claims raised in the instant appeal, nor do we express any comment on their relative merit.

Appeal dismissed.